

No. 10616

United States
Circuit Court of Appeals

For the Ninth Circuit. 9

CLAIBOURNE RANDOLPH TATUM,
Appellant,
vs.
UNITED STATES OF AMERICA,
Appellee.

Transcript of Record

Upon Appeal from the District Court of the United States
for the Northern District of California,
Southern Division

FILED

APR 19 1944

PAUL P. O'BRIEN,
CLERK

No. 10616

United States
Circuit Court of Appeals
For the Ninth Circuit.

CLAIBOURNE RANDOLPH TATUM,
Appellant,

vs.

UNITED STATES OF AMERICA,
Appellee.

Transcript of Record

Upon Appeal from the District Court of the United States
for the Northern District of California,
Southern Division

INDEX

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Appeal:	
Assignment of Errors	74
Bail Bond on	220
Certificate of Clerk to Transcript of Record on	76
Instructions to Clerk re Preparation of Record on	75
Notice of	7
Order Granting Motion for Bail Pending.	219
Arraignment and Plea of Not Guilty	4
Assignment of Errors	74
Bail Bond on Appeal	220
Bill of Exceptions	15
Exhibits for Defendant:	
A—Report of Hearing Conducted by the Department of Justice of the Selective Service Training and Service Act of 1940	144
B—Affidavit of H. Brand “To Whom It May Concern”	163

Exhibits for Defendant—(Continued):

C—Affidavit of Henry F. Papenhausen..	165
Affidavit of Alice L. Papenhausen....	167
Affidavit of Arie Radder	169
Affidavit of Dr. Claude W. Emmons..	171
D—Letter, March 25, 1943, Claibourne R. Tatum to the Members of the Board of Appeal, etc.	173
E—Letter, Dec. 13, 1942, Claibourne R. Tatum to Mr. Orville C. Pratt, Jr. Appeal Advisor, San Francisco	183
G—(For Identification)—Letter, March 5, 1942, Lewis B. Hershey, Director, to Mr. James Rowe, Jr. Assistant to the Attorney General, Washington, D. C.	191
H—Letter, June 26, 1943, Claibourne Ran- dolph Tatum to Colonel K. H. Leitch	193
I—Letter, July 1, 1943, K. H. Leitch to Claibourne Randolph Tatum	211
J—Letter, July 21, 1943, K. H. Leitch to Claibourne R. Tatum	212
K—Letter, July 16, 1943, Claibourne R. Tatum to Colonel K. H. Leitch.....	213

Index

Page

Exhibits for the United States:

- 1—Copy of Registration Card for Selective Service of Claibourne Randolph Tatum 77
- 2—Selective Service Questionnaire 79
- 3—Letter, April 6, 1942, Claibourne R. Tatum to The Selective Service System, Local Board No. 89, San Francisco County 98
- 4—Letter, June 4, 1942, Claibourne R. Tatum to Local Board No. 89, San Francisco County 100
- 5—Record of Hearing, June 8, 1942, re Claibourne Randolph Tatum 100
- 6—Special Form for Conscientious Objector, Order No. 1165 101
- 7—Letter, Nov. 13, 1942, Claibourne R. Tatum to the Members of The Selective Service System, Local Board #89, San Francisco 111
- 8—Classification Record of Claibourne Randolph Tatum 113
- 9—Letter, Nov. 24, 1942, Claibourne R. Tatum to the Members of The Selective Service System, Local Board #89 115
- 10—Letter, June 29, 1943, Claibourne Randolph Tatum to the Members of Local Board #89, San Francisco 119

	Index	Page
Exhibits for the United States—(Continued):		
11—Order to Report for Induction dated July 10, 1943		120
12—Notice of Delinquency, dated July 26, 1943		122
13—Letter, July 30, 1943, Claibourne R. Tatum to the Members of Selective Service, Local Board #89, San Fran- cisco		124
14—Registrant's Affidavit—Family Status and Dependents		137
15—Letter, Dec. 9, 1942, Claibourne R. Tatum to Board of Appeal No. 7, San Francisco		143
Instructions to the Jury:		
Requested by Defendant and Refused by Court		53
Requested by Plaintiff and Given by Court		60
Given by Court in addition		63
Stipulation and Order Settling and Allow- ing Bill of Exceptions		72
Witnesses for the Defendant:		
Brand, H. —direct		47

Index

Page

Witnesses for the Defendant—(Continued):

Dodge, Betty	
—direct	45
—cross	45
Miller, Arnold E.	
—direct	48
Papenhouse, Henry F.	
—direct	47
—cross	48
Rosher, Frederick W.	
—direct	46
Rosher, Mrs. Marian L.	
—direct	46
Tatum, Alice	
—direct	49
Tatum, Claibourne R.	
—direct	24
—cross	37
—redirect	43, 44
—recross	44

Witnesses for the United States:

Foley, John J.	
—direct	21
—cross	21
—redirect	22
Reddy, Edward B.	
—direct	22

Index	Page
Witnesses for the United States—(Continued):	
Wells, Olin	
—direct	15
—cross	19
Certificate of Clerk to Transcript of Record on Appeal	76
Indictment	2
Instructions re Record on Appeal, Court's....	11
Instructions to Clerk re Preparation of Record	75
Judgment and Commitment	6
Minute Orders:	
Aug. 25, 1943—Arraignment and Plea of Not Guilty	4
Nov. 23, 1943—Court's Instructions re Record on Appeal	11
Dec. 9, 1943—Extending Time to File Bill of Exceptions and Pro- posed Amendments	12
Dec. 29, 1943—Extending Time to File Bill of Exceptions and Pro- posed Amendments	13
Jan. 8, 1944—Settling Bill of Exceptions	14
Feb. 11, 1944—Granting Motion for Bail Pending Appeal	219

Index**Page**

Names and Addresses of Attorneys of Record . .	1
Notice of Appeal	7
Order Granting Motion for Bail Pending Appeal	219
Order Settling Bill of Exceptions	14
Orders Extending Time to File Bill of Exceptions and Proposed Amendments	12, 13
Verdict of Guilty	5

NAMES AND ADDRESSES OF ATTORNEYS.

MR. THEODORE TAMBA,

511 Mills Building,
San Francisco, California.

MR. WAYNE COLLINS,

Mills Tower,
San Francisco, California.

MR. A. L. WIRIN,

257 S. Spring Street,
Los Angeles, California.

Attorneys for Defendant and Appellant.

MR. FRANK J. HENNESSY,

United States Attorney,
Northern District of California.

MR. JOSEPH KARESH,

Assistant United States Attorney,
Northern District of California.
Pose Office Building,
San Francisco, California.

Attorneys for Plaintiff and Appellee.

In the Southern Division of the United States District Court for the Northern District of California.

INDICTMENT—No. 28085 R

(Section 11, Selective Training and Service Act of 1940; 50 U.S.C.A. Section 311)

In the July 1943 term of said Division of said District Court the Grand Jurors thereof on their oaths present: That

CLAIBOURNE RANDOLPH TATUM,

(whose full and true name is, other than hereinabove stated, to said Grand Jurors unknown, hereinafter called "said defendant"), being a male citizen between the ages of twenty-one and thirty-six years, residing in the United States and under the duty to present himself for and submit to registration under the provisions of the Act of Congress approved September 16, 1940, known as the "Selective Training and Service Act of 1940" and thereafter to comply with the rules and regulations of said Act, and having in pursuance of said Act and the rules and regulations made pursuant thereto, become a registrant of Local Board No. 89 of the Selective Service System in the City of San Francisco, State of California, which said Local Board No. 89 was duly appointed and acting for the area of which the said defendant is a registrant, did, on or about the 26th day of July, 1943, in the City and County of San Francisco, in the Southern Division of the Northern District of California and within

the jurisdiction of this Court, knowingly and feloniously fail and neglect to perform such duty, in that he, the said defendant, having theretofore been classified in Class I-A, did then and there knowingly and feloniously fail and [1*] neglect to comply with the order of his said Local Board No. 89 to report for induction into the land or naval forces of the United States, as provided in the said Selective Training and Service Act of 1940 and the rules and regulations made pursuant thereto.

FRANK J. HENNESSY

United States Attorney.

Approved as to form:

R. B. McM.

A true bill,

PEARSON HENDERSON,

Foreman.

[Endorsed]: Presented in Open Court and Ordered Filed Aug. 24, 1943. C. W. Calbreath, Clerk. By J. A. Schaertzer, Deputy Clerk. [2]

District Court of the United States, Northern District of California, Southern Division.

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco,

*Page numbering appearing at foot of page of original certified Transcript of Record.

on Wednesday the 25th day of August, in the year of our Lord one thousand nine hundred and forty-three.

Present: The Honorable A. F. St. Sure, District Judge, Sitting for and on Behalf of Honorable Michael J. Roche, District Judge.

No. 28085-R.

UNITED STATES OF AMERICA,

vs.

CLAIBOURNE RANDOLPH TATUM.

ARRAIGNMENT AND PLEA

This case came on regularly this day for arraignment. The defendant Claibourne Randolph Tatum was present with his attorney Wayne Collins, Esq. Joseph Karesh, Esq., Assistant United States Attorney, was present for and on behalf of the United States.

On motion of Mr. Karesh, the defendant was called for arraignment. The defendant was informed of the return of the Indictment by the United States Grand Jurors, and asked if he was the person named therein, and upon his answer that he was, and that his true name was as charged, said defendant was informed of the charge against him and stated that he understood the same. Mr. Collins waived the reading of the Indictment.

The defendant was called to plead and thereupon said defendant entered a plea of "Not Guilty" to

the Indictment [3] filed herein against him, which said plea was ordered entered.

The defendant and the attorneys for both parties, in open Court, demanded a trial by jury.

After hearing the Attorneys, it is ordered that this case be continued to September 14, 1943 to be set for trial. [4]

[Title of District Court and Cause.]

VERDICT

We, the Jury, find as to the defendant at the bar as follows:

Guilty.

LAWRENCE J. DAVITT

Foreman.

[Endorsed]: Filed Nov. 17, 1943. [5]

District Court of the United States
Northern District of California
Southern Division

UNITED STATES

v.

CLAIBOURNE RANDOLPH TATUM

No. 28085-R Criminal Indictment in One count for violation of Section 11, Selective Training and Service Act of 1940; 50 U.S.C.A. Section 311.

JUDGMENT AND COMMITMENT

On this 17th day of November, 1943, came the United States Attorney, and the defendant Clai-bourne Randolph Tatum appearing in proper per-son, and by counsel and,

The defendant having been convicted on verdict of guilty of the offense charged in the Indictment in the above-entitled cause, to-wit: Viol. of Section 11, Selective Training and Service Act of 1940; 50 U.S.C.A. Section 311—defendant, did, on or about July 26, 1943, in San Francisco, California, fail and neglect to comply with the order of his Local Board No. 89 to report for induction into the land or naval forces of the United States; and the defendant hav- ing been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is By The Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of Three (3) Years:

It Is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

(Signed) MICHAEL J. ROCHE

United States District Judge.

The Court recommends commitment to a U. S. Penitentiary.

Examined by; Joseph Karesh, Asst. U. S. Atty.
Entered in Vol. 34 Judg. and Decrees at Page 72.

[Endorsed]: Entered and Filed this 17th day of November, 1943. [6]

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and address of Appellant: Claibourne Randolph Tatum, San Francisco, California.

Offense: Violation of Selective Training and Service Act of 1940.

Date of Judgment: November 17, 1943.

Brief description of judgment or sentence: Three years Sentence.

Name of prison where now confined: San Francisco County Jail.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above mentioned on the grounds set forth below.

Dated: November 17, 1943.

CLAIBOURNE R. TATUM

Appellant.

GROUNDS OF APPEAL:

I. The judgment abridges the defendant's freedom of religion and freedom of conscience in violation of the First Amendment to the United States Constitution.

II. The judgment abridges the defendant's liberty without due process of law in violation of the Fifth Amendment of the United States Constitution, in that the defendant was denied a fair hearing by and before his local draft board and by the special assistant to the Attorney General, the Hearing Officer, in the following particulars:

1. The local draft board did not accord to the defendant the right to a personal appearance as required by paragraph 625.1 and 625.2 of the Selective Service Regulations, [7] in that the defendant was not given an opportunity to present his case supporting his claim for a classification as a minister and as a conscientious objector; and in that said local board did not consider evidence thereafter submitted by the defendant in support of his claim,

and said local board did not make an order of classification thereupon, as required by said Regulations.

2. Before said Hearing Officer, in that the defendant was not accorded an opportunity to present his claim before said Hearing Officer, and was not given an opportunity to meet, nor was he advised, of any adverse evidence against him, in violation of paragraph 627.25 of the Selective Service Regulations and the memorandum of the Attorney General of the United States; and said Hearing Officer's report was made as the result of reliance upon such evidence.

3. The reviewing authorities in the Selective Service System in connection with an appeal to the President of the United States, are military officers in violation of Section 10 (a) (2) of the Selective Training and Service Act.

III. The Court erred in refusing to grant defendant's motion for new trial.

IV. The Court erred in refusing to grant defendant's requested instructions as excepted to.

V. The Court erred in giving instructions submitted by the prosecution as excepted to by defendant.

VI. The Court erred in ruling upon evidence.

VII. The evidence was insufficient to justify the verdict, or a conviction.

VIII. Misconduct by the United States Attorney.

THEODORE TAMBA

511 Mills Building,

San Francisco, California [8]

A. L. WIRIN

257 S. Spring Street

Los Angeles, California

By A. L. WIRIN

Attorneys for Appellant.

(Receipt of Service.)

[Endorsed]: Filed Nov. 18, 1943. [9]

District Court of the United States
Northern District of California
Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Tuesday the 23rd day of November, in the year of our Lord one thousand nine hundred and forty-three.

Present: The Honorable Michael J. Roche, District Judge.

[Title of Cause.]

No. 28085-R.

COURT'S INSTRUCTIONS RE RECORD
ON APPEAL

This case came on regularly this day for hearing the Court's instructions regarding the preparation of the record on appeal. After hearing Joseph Karesh, Esq., Assistant United States Attorney, on behalf of the United States, and Theodore Tamba, Esq., on behalf of the defendant, it is Ordered that the defendant may have to December 9, 1943 to prepare his proposed Bill of Exceptions and that the United States may have to December 20, 1943 to file its proposed Amendments.

Further ordered that this case be continued to December 20, 1943 for settlement of the Bill of Exceptions. [10]

District Court of the United States
Northern District of California
Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Thursday the 9th day of December, in the year of our Lord one thousand nine hundred and forty-three.

Present: The Honorable Michael J. Roche, District Judge.

[Title of Cause.]

No. 28085-R.

ORDER EXTENDING TIME TO FILE
BILL OF EXCEPTIONS, ETC.

On motion of Wayne Collins, Esq., on behalf of the defendant, and with the consent of Joseph Karesh, Esq., Assistant United States Attorney, it is ordered that the defendant may have to December 14, 1943 to prepare his proposed Bill of Exceptions and that the United States may have to December 29, 1943 to file its proposed Amendments.

Further ordered that this case now on the calendar for December 20, 1943 be continued to December 29, 1943 for settlement of the Bill of Exceptions. [11]

District Court of the United States
Northern District of California
Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Wednesday the 29th day of December, in the year of our Lord one thousand nine hundred and forty-three.

Present: The Honorable Michael J. Roche, District Judge.

[Title of Cause.]

No. 28085-R.

**ORDER EXTENDING TIME TO FILE
BILL OF EXCEPTIONS, ETC.**

This case came on regularly this day for the settlement of the Bill of Exceptions. With the consent of Wayne Collins, Esq., Attorney for defendant, it is Ordered that the United States may have to January 8, 1944 within which to file its proposed Amendments to Bill of Exceptions.

Further ordered that this case be continued to January 8, 1944 for settlement of the Bill of Exceptions.

Mr. Collins made a motion to release the defendant on bail pending the appeal, and after hearing the arguments of Mr. Karesh and Mr. Collins, it is ordered that said motion be denied. [12]

District Court of the United States
Northern District of California
Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Saturday the 8th day of January, in the year of our Lord one thousand nine hundred and forty-four.

Present: The Honorable Michael J. Roche, District Judge.

[Title of Cause.]

No. 28085-R.

ORDER SETTLING BILL OF EXCEPTIONS

This case came on regularly this day for settlement of the Bill of Exceptions. With the consent of Joseph Karesh, Esq., Assistant United States Attorney, and Theodore Tamba, Esq., on behalf of defendant, it is Ordered that the Bill of Exceptions be settled and filed in the form this day presented.

[13]

[Title of District Court and Cause.]

DEFENDANT'S PROPOSED BILL OF
EXCEPTIONS

Be It Remembered that the above-entitled cause came on for trial by jury before the Honorable Michael J. Roche, United States District Judge presiding, on the 15th day of November, 1943.

The plaintiff appeared by Frank J. Hennessy, Esq., United States attorney, and Joseph A. Karesh, Assistant United States attorney, and the defendant appeared in person and with counsel, A. L. Wirin, Theodore Tamba and Wayne M. Collins, Esquires, whereupon the plaintiff to maintain the issues on its part to be maintained, called Olin Wells as its first witness.

TESTIMONY OF OLIN WELLS

Olin Wells, called as a witness on behalf of the plaintiff, [14] being first duly sworn, testified as follows:

I am the chief clerk of Local Board 89 of the Selective Service System at San Francisco, California. I have the care, custody and control of the records of the Board and am in charge of the correspondence of the Board. The defendant regis-

Note: Each of the Exhibits referred to in this Bill of Exceptions was duly identified by the witness in whose recital of testimony it appears herein, was admitted into evidence and was read to the jury.

[Printer's Note: These Exhibits are set out in full, starting at page 77 of this printed record.]

(Testimony of Olin Wells.)

tered (U.S.Exh.1) under the Selective Training & Service Act of 1940 and on May 17, 1941, filed his verified Selective Service Questionnaire, DSS Form 40, (U.S.Exh.2) with said board. In said questionnaire defendant declared that he was a native born citizen of the United States, 29 years of age; that he was a high school graduate and had a fine arts training in various fine arts institutions; that he was an artist by profession and was employed as an artist by the W.P.A. at a salary of \$21.00 per week; that he was married and that his wife, owing to a back injury and a past incipient arthritic condition and lack of training was unprepared for employment and was wholly dependent upon him for her support. The defendant did not claim to be a student preparing for the ministry or a minister. The defendant did not claim exemption therein as a conscientious objector either to combatant or non-combatant military service by reason of religious training or belief and did not request therein that he be supplied with a conscientious objector's form. On July 7, 1941, defendant was given a #3 classification by Local Board 89. On February 27, 1942, the Board classified defendant as #1, that is, as potentially available for service in the armed forces. On March 25, 1942, the Board mailed Form C.S.F. No. 1 to defendant to obtain present information for the Board. On April 23, 1942, defendant was ordered for a screening and serologic test before the local board physician. The Board received a letter dated April 6, 1942, (U.S.Exh.3), from the defendant in which he requested a hearing by the Board

(Testimony of Olin Wells.)

which was granted and the defendant had a personal hearing before the Board on June 8, 1942, as shown by the entry in the Board's Form 100 [15] Book (U.S.Exh.5). On June 1, 1942, the Board mailed to the defendant DSS Form 47, Special Form for Conscientious Objectors, (U.S.Exh.6), which the defendant filled out and filed with the Board on June 5, 1942, claiming therein exemption from combatant and non-combatant military and naval service upon the ground that he was by religious training and belief opposed to participation in war in any form and to participation in any service under the direction of military authorities.

U. S. Exhibit No. 2 carries a notation of the Board under date of July 9, 1942, that defendant was classified in Class 3, Group 2. It also carries a notation under date of November 3, 1942, that the defendant was ordered for a screening and serologic test before the local board's physician. It also carries a notation under date of November 10, 1943, that the defendant, after said test, was classified 1-A by said Board by a vote of 4 to 0 and that on the evening of said day that the Board reconsidered the classification and thereupon reclassified him 1-AO, that is, as a registrant who objects, on conscientious grounds, to combatant but not to non-combatant military service, the defendant not being present at the time said classifications were made. On November 16, 1942, the Board received a letter dated November 13, 1942, (U.S.Exh.7), from the defendant in which he requested a personal appearance before the Board. This request was granted as shown in

(Testimony of Olin Wells.)

the Board's Form 100 Book (U.S.Exh.8) and the defendant was given a hearing by the Board on November 20, 1942. The Board's minutes reflect that the Board sent defendant a notice of his 1-AO classification on November 10, 1942, and that after the hearing on November 20, 1942, the Board continued him in class 1-AO and mailed him a DSS Form 57, a notice of said classification. On November 27, the Board received a letter (U.S.Exh.9) from the defendant dated [16] November 24, 1942, protesting the said classification and requesting that the classification 4-D be given to him as a minister.

The defendant appealed in writing from his classification on November 20, 1942, to the Board of Appeal. Local Board 89's file contains a report of the hearing conducted by the Department of Justice pursuant to Sec. 5(g) of the Selective Training and Service Act of 1940 which was signed by Hugh McKevitt, the hearing officer. This report is dated April 9, 1943, and reflects that notice of the hearing was given to the defendant on March 20, 1943, and that the hearing was held on March 30, 1943. The minutes of the Board of Appeal show that on January 22, 1943, it reviewed the defendant's file and determined that he should not be classified as 1-C, 4-D, 3-A, 4-F, 4-C, 4-B, 4-A, 3-B, 2-B, 2-A or 1-H. Thereafter on June 1, 1943, the records reflect that the Board of Appeal decided that the defendant was not entitled to be classified as a conscientious objector.

The records of Local Board 89 show that on June

(Testimony of Olin Wells.)

1, 1943, defendant was classified 1-A by the Board of Appeal by a vote of 3 to 0. Local Board 89 mailed the DSS Form 57, a notice of the classification, of the Appeal Board on June 16, 1943, to the defendant. On June 30, 1943, the Local Board received a letter (U.S.Exh.10) dated June 29, 1943, from the defendant. On July 10, 1943, the Board sent defendant a notice (U.S.Exh.11) to report on July 26, 1943, for induction into the land and naval forces of the United States. The defendant did not report for induction. Thereafter, on July 26, 1943, the Board mailed him a notice of delinquency, DSS Form 281, (U.S.Exh.12) and thereafter, on July 31, 1943, received from him a letter (U.S.Exh.13), dated July 30, 1943, relating to the notice of delinquency. Neither the State Director of the Selective Service System nor the National Director thereof ever stayed the defendant's induction. None of the members of the Board of Appeals dissented in defendant's behalf consequently the defendant could not appeal to the President. [17] Neither the State Director nor the National Director appealed on behalf of the defendant to the President.

Cross-Examination

None of the classifications which appears in notation form on the back of U.S.Exh.2 were ever requested by the defendant. I have a keen recollection of statements made by the defendant in which he expressly stated that he was not now a minister of the gospel, that he was not a speaker for Mankind United, that he merely belonged to a little organiza-

(Testimony of Olin Wells.)

tion that he called the Church of the Heart. I do not know of any evidence of the defendant having engaged in war work. The U.S.Exh.6 shows that he took an R.O.T.C. course when he was a boy. On June 8, 1942, the defendant stated to me that he was neither a teacher, a lecturer, or a minister, and that he was working at other work. (Defendant's Exh.A, the report of the Hearing Officer of the Department of Justice, was then introduced into evidence and read to the jury. Defendant's Exh.B, an affidavit of H. Brand dated November 13, 1942, produced by the witness from Local Board 89's file, was then marked for identification. Defendant's Exh.C., an affidavit of Mr. Emmons dated November 11, 1942, and the affidavits of Mr. Rader and of H. and A. Papenhausen dated November 14, 1942, were produced from Local Board 89's file and were marked Defendant's Exh.C for identification. A letter addressed to the Members of the Board of Appeal and Other Members Assigned to Determine the defendant's status under the Selective Service Act of 1940 by the defendant and dated March 25, 1943, was likewise produced from Local Board 89's file and was introduced into evidence as Defendant's Exh.D and read to the jury. In U.S.Exh.6 the defendant stated,

“I have been engaged for the past five and one-half years promoting the interests of Christianity for the benefit of all men, and to my own professional and financial disadvantage, but to the great benefit of my conscience in the

(Testimony of Olin Wells.)

capacity of an unordained minister of the Christian philosophy.'') [18]

I have no recollection of the defendant taking any view other than the view expressed in that Exhibit. On various occasions the defendant has made statements to me. He was always very friendly. He was always treated courteously. And at various times he expounded on his beliefs, religious training, and so on. Mr. Karesh thereupon offered plaintiff's Form 41 in evidence and it was admitted as U.S. Exh.14. Thereupon a letter dated December 13, 1942, signed by the defendant and addressed to Orville C. Pratt, Jr., was produced from the Local Board's file and was received in evidence as Defendant's Exh.E.) Local Board 89's entire file concerning the defendant was forwarded to the Appeal Board on December 17, 1942. (Defendant's Exhs. F and G were marked for identification.)

TESTIMONY OF JOHN J. FOLEY

John J. Foley, called as a witness for the plaintiff, being first sworn, testified as follows:

I am a member of Selective Service Local Board 89 of San Francisco and the chairman thereof. The other members of said Board are Daniel Sweeney and Michael King. We do not receive any compensation for our services. We meet twice a week from 7:30 until 11:30 P.M.

Cross-Examination

I am familiar with the defendant's case. I was

(Testimony of John J. Foley.)

not present at any of the defendant's personal appearances before Local Board 89. (Defendant's Exhs. B and C previously marked for identification were thereupon received in evidence.) These affidavits, Defendant's Exhs. B and C were not read by the members of Local Board 89 and were not used by us in classifying the defendant but were part of the appeal record. I talked to the Local Board about the 1-AO classification after it had been made. They made the 1-A classification [19] at the same meeting and then on account of the form he had filed, they decided to make him at that time 1-AO, that is, the classification of a conscientious objector eligible for non-combatant services. The Board makes his classification on the data that is in his questionnaire. He mentions in his questionnaire that he is married and supporting his wife who lives with him in the same home and so he would be classified 3-A according to the Selective Service Regulations.

Redirect Examination

The filling out of a registrant's affidavit of family status and dependency is equivalent to asking for a 3-A deferment.

TESTIMONY OF EDWARD B. REDDY

Edward B. Reddy, called as a witness for the plaintiff, being first sworn, testified as follows:

I am a special agent of the Federal Bureau of Investigation. I know the defendant. I talked to

(Testimony of Edward B. Reddy.)

the defendant in the U. S. Marshal's office on August 18, 1943, at which time he told me he had registered under the Selective Training and Service Act of 1940 at Local Board 89 in San Francisco, on October 16, 1940. He also told me then that he had filled out his Selective Service Questionnaire; that he had received notice of his 1-A classification about June 16, 1943, from the Local Board after his case had gone to the Board of Appeal; that he had received a notice to report for induction into the land and naval forces of the United States on July 26, 1943, and had not reported for induction because he felt that he was entitled to a 4-D classification and inasmuch as he had not received that classification he did not feel that he should report for induction. He also told me that he later received a notice of delinquency whereupon he had taken a letter to the Local Board in person outlining the reason he had formerly given for not reporting. He also told me he was not willing to go into the Army and that he did not feel willing to go to a conscientious objector's [20] camp under civilian direction because it would restrict his activities as a minister.

Thereupon the plaintiff rested.

TESTIMONY OF DEFENDANT
CLAIBOURNE R. TATUM,

the defendant, called as a witness in his own behalf, being first sworn, testified as follows:

I was born in San Francisco where I have lived all my life. I am 30 years of age. My occupation is as follows: I am being paid for copy or proof reading but my activities likewise are those of a minister, but I am not being paid for the material that I am compiling now and the sermons which I am writing for future use. I am being paid by the Timely Books Library and have been since September of 1941 at *a* average rate of \$50 per month. I am married and live with my wife in a house at 954 Ashbury Street, San Francisco, where we have resided for approximately two years. My wife does typing for me and helps me with the proof reading and does the housework. We have no source of income other than \$50 per month and we manage to live thereon. My clothes were purchased before the war with the exception of the suit I am wearing and which I purchased with funds loaned to me by my sister who desired me to appear decently dressed for this appearance in Court.

I write sermons upon the principles of Christianity as taught by Christ Jesus and endeavor to analyze them in such a way that average people will be able to see the possibility of their practical application to their every day lives. I spend an average of eight to sixteen hours a day at this work and my wife assists me, spending about as much

(Testimony of Claibourne R. Tatum.)

time thereon as I do. I expect my sermons to be released in publication form or to be delivered by individuals authorized to deliver them to the public, verbally or in other manner. Prior to the time I became engaged in proofreading and the writing of sermons I was working on the W.P.A. as an artist. I have been an artist since 1930 and received my training as such at [21] the California School of Fine Arts, primarily, and I studied in the East and spent quite a little time with Guy Wiggins. I did oil paintings, still life and portraiture, and a few of my paintings were hung in the Memorial Gallery of the Palace of the Legion of Honor. I am a descendant of the Randolph and Tatum families which were among the first families of Virginia, the former being interested in the nation's political life and the latter in the agriculture life. One of the Randolphs became the Secretary of State under President George Washington and this morning a reporter of the San Francisco Chronicle informed me that he was also one of the aides of General Washington in the Revolutionary War. On my mother's side there was an ancestor, Stephen Arnold Douglas, who participated in the Revolutionary War.

I stopped working for the W.P.A. when an order was given by the government that all those on W.P.A. who were qualified should be sent to a ship-building school. I was assigned to attend such a school being established by the Bethlehem Ship-

(Testimony of Claibourne R. Tatum.)

building Company and attended for a week or a week and a half when I left in 1941 because I couldn't build ships because it would require the use of the very implements I would not use—implements of war, of munitions, and various other things—maybe even the building of destroyers and warships proper.

Thereafter I went to work for the Timely Books Library. I became connected with an organization known as Mankind United in August of 1936. I had been discussing the article, "Arms of Men", a synopsis of a report of the U. S. Senate of an arms inquiry, with a good number of people, among them my artist friends, and one of them drew my attention to a text-book, "Mankind United." I found the principles of Mankind United were in perfect accord with my principles about Christianity and about war. At first I merely attended lectures and discussed the text-book with interested [22] persons. In the spring of 1937 I was invited to take an active part in the lecturing program of the organization and to occupy the platform officially. My activities were to keep all my evenings available so as to be subject to call to deliver lectures on the theme of Mankind United and the principles of Christianity. My preparation for this work was attendance at meetings, study of the text-book and all related copyright material, study of the principles of Christianity as expounded by Mankind United and study of the Bible. I lectured on the average of three times per week throughout the

(Testimony of Claibourne R. Tatum.)

Bay Region and Northern California during 1937 and thereafter until the middle of 1941 on the principles and teachings of Mankind United as associated primarily with the principles of Christianity. I discussed the problems of war and the causes of war before our entry into this war. During said period of time I expressed myself in those lectures as definitely and unalterably opposed to war in any form and I am still of the same view. Before Pearl Harbor we were warning the people that war was imminent if they continued in their present way of living and nurtured the present conditions throughout the world which were leading toward conflict. And it wasn't that people should not defend themselves if we are forced to a position—we did not take it upon ourselves to instruct people as to what they should do in a state of emergency—but that the condition of war could be prevented by intelligent action.

I gave over 300 sermons between 1937 and 1941 before Pearl Harbor to audiences averaging between 50 and 100 people in which I stated that war, particularly that conflict which results in physical violence, is in exact opposition to the principles of Christianity and that those principles cannot be practically applied during a time of such violence. All during said time I considered myself a minister. I then felt and now feel that the nature of the service I and others in my capacity have been rendering is a ministerial [23] service in that we are teaching the practical application of Christian principles. I

(Testimony of Claibourne R. Tatum.)

do not believe any minister can do more. We are not formally ordained but we are definitely and have in the past dedicated our entire lives to the promulgation of the Christian principle for the purpose of expanding that principle in the lives of all people. Since 1937 I have dedicated my entire life to the preaching of the principles of Christianity, having put aside all of my personal ambitions as an artist and for a home.

At the time I filled out the Questionnaire, U. S. Exh. 2, I left the spaces blank in that section thereof entitled "Series 8" reading "Minister or student preparing for the ministry" because I didn't think it applied to me because I had no idea the Government would be considering anyone else but an ordained minister who had gone through a theological seminary and was ordained. I left the space following "Series No. 10" therein entitled "Conscientious Objection to War" blank because I then felt, because of articles appearing in the press directed against the movement of Mankind United, that persecutorial action might be taken against me because of my connection with it and because of my personal views. I did not indicate on the questionnaire any desire for a particular classification because I did not believe it was my right so to do. I have never asked for a dependency classification.

When I was about 16 or 17 years of age I took an R.O.T.C. course for three semesters in high school to make up scholastic units or grades. My

(Testimony of Claibourne R. Tatum.)

views respecting war had not then crystallized. They have been the result of gradual growth.

After my first appearance before Local Board 89 I received a card notifying me that I had been placed in class 3-A2, that is, a deferment for dependency.

Originally I had a 3-A classification. Thereafter, without [24] prior notice to me, I received a 1-A classification upon the receipt of which I asked Local Board 89 for a personal hearing. I was granted the hearing. I appeared before one member of the Board and the recording Secretary on June 6, 1942, at which time I filed with the Board my conscientious objector's form (U. S. Exh. 6) which had previously been supplied to me. The Board member questioned me concerning my having worked as a student for shipbuilding and why I had quit. He also mentioned my conscientious objector's form and questioned me as to what I would do were I to see some Japanese soldier accosting a white woman in the street, and more particularly my wife. I told him it would be impossible for any person really to answer honestly a question of that kind because he would have to experience the circumstance to determine what he would do. However, I told him I knew what I would want to do, like to do in those circumstances, that is, to apply Christian principles to the best of my understanding and to realize it is far more important to be wary of those who will destroy the soul rather than only those who can destroy the body. I also told

(Testimony of Claibourne R. Tatum.)

him that I was active in a religious way directing the thought of people in the ways of the Commandments and the teachings of Christ which is the truth. I also told him I was a conscientious objector.

I am not paying rent for the place my wife and I occupy. I assisted in excavating a 12 foot deep pit at the place where I reside which was intended to be used as a bomb shelter. I do not think this is in any way inconsistent with my views about war because it is not taking part directly or indirectly in the taking of human life.

I told the board member at that time that I quit my assignment for training in the shipyard because such work was helping construct a means of destruction. I also told him that I belonged to the [25] Church of the Heart—that this church was not a building, a place or a sect but a state of man's mind with respect to Christianity, whose philosophy would spring from the Golden Rule, the Ten Commandments, and particularly that Commandment which Christ Jesus stated as being foremost: "Thou shalt love the Lord thy God with all thy heart, with all thy mind, and with all thy soul," and "As a man thinketh in his heart so he is," and that Christianity does not come from the mind but comes from the heart. I believe in these principles, shall always believe them and have believed them in their intangible and embryonic phase during my entire life. I told him that I believed in the Bible, that I studied it and that I preached its principles. I

(Testimony of Claibourne R. Tatum.)

was asked by the Board if I cared to make a statement and I made the following statement:

“I am not averse to helping save life, but I would rather have my own life taken than to take the life of another or help someone to do the same.”

This statement was true when made and is true now. If it came to a choice of either my life or someone else's life I would rather run the risk of death myself than impose that upon someone else. I arrived at this view because of the Commandment, “Thou shalt not kill”.

After the interview had with the Local Board member on June 8, 1942, I received from the Board a classification in Class 3 Group 2, that is, a deferment for dependency. In U. S. Exh. 6, where the words, Series No. 1, Claim for exemption appears, I claimed an exemption from both combatant and non-combatant service. I was asked by Local Board 89 whether I ever considered going into the Army as a chaplain and I stated that if such a circumstance existed in the Army or the Navy where the chaplain would be free to preach unadulterated Christianity and not take part in the war effort, as chaplains do today, I might consider that. I never requested a 1-AO classification.

I believe in the All-powerful Living God and his laws, and [26] particularly in the commandment, “Thou shalt not kill,” and have so believed ever since I was 17 or 18 years of age, as I stated in

(Testimony of Claibourne R. Tatum.)

U. S. Exh. 6. I think the fact that I am an artist may have influenced the views I express. As far as my memory serves me I have believed the cardinal law of life is the Golden Rule as I stated in that exhibit. I have written about the Golden Rule in my sermons and preached that doctrine repeatedly between 1937 and 1941. I have drawn my inspiration and philosophy from life as a whole and the Bible, and particularly from the New Testament as stated in that exhibit. On June 6, 1942, prior thereto and ever since 1937, I have considered myself an unordained minister of the gospel. I did not know on June 6, 1942, that an unordained minister was entitled to the classification of a minister. The statements I made in U. S. Exh. 6 are true. In November, 1942, I appeared before Local Board 89 again with regard to the 1-AO classification I had received and submitted to it Defendant's Exhs. B and C., affidavits of H. Brand, Henry F. Papenhausen, Alice L. Papenhausen, Arie Rader and Dr. Claude W. Emmons, which the defendant had prepared and had signed by said affiants and sworn to. I have always advocated strict obedience to the Constitution and the Bill of Rights and that a citizen of the United States, particularly those associated with Mankind United, should never violate any law of the United States. On November 20, 1942, I had a hearing before the Board at which I was asked why I couldn't accept the classification of 1-AO and I said I couldn't accept it due to the fact that such would require me to do work of a

(Testimony of Claibourne R. Tatum.)

war nature because I would then be relieving others to do work that I would not be willing to do. I went there for the classification of 4-D. I never received any notice that I had been given a 1-A classification but I did receive notice of a 1-AO classification. Until four days ago I did not know that the classification had been changed from a 1-A to a 1-AO one. I was not willing to accept the 1-AO classification, but to accept a 4-D [27] classification. I wrote a letter to the Local Board and Mr. Wells had me come in to the Board and sign an appeal.

The following then occurred. Counsel for defendant read in part from U. S. Exhibit No. 9, and the defendant explained his answers.

In my letter to the Board (U. S. Exh. 9) I stated, "I willingly acknowledge that I am not ordained by the authority of men, in accordance with the tenets of their sects, but I hold to the fact that I am ordained by the will of God," by which I meant this, that aside from ministerial classification, as some persons think they fall into by ordainment of men, that there is another, just as authentic an ordination through inspiration and through an enfoldment and enlightenment which develops from within and which is, I believe, that God which is within us, developing to a point, of being articulate through the human individual, and in that respect I became a minister under that classification without ordainment. I claim that I am and have been a minister by virtue of preaching the Gospel. As

(Testimony of Claibourne R. Tatum.)

a minister, a Christian and a conscientious objector entertaining my views as such ever since 1937 I cannot condone war or participate in it in any way. In U. S. Exh. 9 I stated, "Again, I cannot participate in war, but I can help to further the present American effort to make future wars impossible." What I have done and do to make this statement true is to endeavor to develop in the public mind an awareness of Christian principles and the fact that through their practical application the need for war is no more, that people need not strive to settle their difficulties through war but can through reason and proper cooperation. In that Exhibit I also stated, "Please reconsider your recent decision and reclassify me to 4-D where I rightfully shall be left free to be of Christian service to America and mankind." By that statement I have and do consider the performance of the duties of an unordained minister through the organization of Mankind United to be a Christian Service to America and mankind.

The purposes of Mankind United are to end illiteracy, poverty and war without having to resort to physical violence or bodily [28] suffering, mental suffering or any harm. I have accepted and believed in those principles ever since 1936. It advocates that people, regardless of race, color, religion or belief, join together, regardless of sect, denomination and heredity, for the purpose of applying Christian principles without discrimination in a state of cooperation, to the end that all men

(Testimony of Claibourne R. Tatum.)

shall live free and equal. I have preached these principles since 1937 to over 300 audiences. I consider Mankind United to be a religious organization but not in the sectarian or churchianity sense. In a sectarian sense it might be considered non-religious in character because it does not require any person associating with it to give up his religious beliefs or church affiliation.

I first saw the Hearing Officer's Report, Defendant's Exh. A at Local Board 89 but was allowed to peruse only pages 14 to 16 thereof until Mr. Karesh permitted me to read the whole thereof. I told the Hearing Officer in the course of the hearing held by him that I did not know the address of the Timely Books Library for which I had been working since November, 1941, and I do not now know its address. In his report the Hearing Officer states that my wife and I were well dressed and that he did not believe I was earning only \$50 per month. However, the fact is that we received approximately \$50 per month for the total upkeep of the house in which we lived and that we lived on a very frugal basis. At that hearing I wore a pair of slacks that my sister and my wife purchased for me for Christmas the year before and the coat I wore on that occasion and which I wore to court today and which is hanging on the rack was purchased before the war and my hat is over three years old, my shoes are over a year old and a coat to a suit which is easily three years old. I am better dressed now than then.

(Testimony of Claibourne R. Tatum.)

My wife is now wearing the coat she wore at that hearing which was purchased with money received by her from pawning my mother's engagement ring. A reason given in the Hearing Officer's report for [29] denying my claim as a conscientious objector was that some persons who were associated with Mankind United had been indicted. I have never been indicted or prosecuted on any criminal charge except in this case and know nothing about any indictment of any persons associated with Mankind United except what I have read in newspapers. In U. S. Exh. 13 in which I stated, "I am convinced that prejudice rather than fair and impartial judgment has caused my character and in turn my case to be seen in an improper and unjust light," I was referring to the Hearing Officer because his report concluded that my claim of a conscientious objector should be denied because some other persons were prosecuted criminally and because he concluded from a twenty minute interview with me that I was not telling the truth on matters. In the course of that hearing the Hearing Officer never indicated that he had any source of information that I was receiving more than \$50 per month or that he did not believe I was working for the Timely Books Library or that he believed I knew its address.

(Thereupon a letter dated June 26, 1943, a letter written by the defendant to Col. Leitch, the State Director of the Selective Service System, was introduced into evidence as Defendant's Exh. H and a letter dated July 1, 1943, from Col. Leitch to

(Testimony of Claibourne R. Tatum.)

defendant was introduced into evidence as Defendant's Ex. I. Thereafter a letter dated July 2, 1943, addressed to Col. Leitch to the defendant was introduced into evidence as Defendant's Ex. J, and thereafter a letter dated July 16, 1943, addressed to the defendant by Col. Leitch was admitted into evidence as Defendant's Ex. K.).

I cannot participate in war because of the fact that the very laws of Christianity forbid it.

Cross Examination

I have followed the teaching of Jesus, "Render unto Caesar that which is Caesar's, and unto God that which is God's" insofar as it is possible, to the best of my ability to interpret that. I [30] interpret that as a student of the Bible. I understand that the teaching means to follow the law of the state or nation insofar as it is compatible with Christian principle. I think that by going into the armed forces or to a conscientious objector's camp would be a compromise of my conscience and my service to my fellow man and my Christian convictions. I believe that those who go into the Army are doing something incompatible with Christian principles but I do not condemn them for it. I would be a traitor to God if I went into the armed forces. My training in the R.O.T.C. was voluntary. I was not a conscientious objector at that time because I then had no definite opinions. On December 9, 1942, I appeared before the Appeal Agent of Local Board 89 and stated to him that I wished to be classified 4-D. He said "I doubt very much if

(Testimony of Claibourne R. Tatum.)

you will ever get a 4-D classification, in my opinion.” He suggested that the accepted thing to do was to offer alternatives in doubtful cases and thereupon prepared a letter, dated December 9, 1942, addressed to Board of Appeals No. 7, requesting a 3-A deferment which I signed. This letter was thereupon admitted into evidence as U. S. Exh. 15 and was read to the jury. I believe the Hearing Officer, Hugh McKeivitt, was prejudiced. I believe Local Board 89 was prejudiced but I do not believe there is any malice there. By prejudice I do not mean that anyone was prejudiced against me but that their understanding of the application of my principles may vary. I could not accept a 1-AO classification because those so classified and called are under military direction and whatever is under military direction is war effort. I could not go to a conscientious objector’s camp because in those camps a minister has no opportunity to function in a ministerial capacity. I filled out the C. O. form because I believe all Christian ministers should fill out that form, all persons opposed to war should fill out that form. The law is, “Thou shalt not kill.” According to my doctrine the taking of life is murder. I have the greatest respect for the fact [31] that those in the Army are making a sacrifice in their own conscience, believing they are doing the right thing, and are above reproach because they believe they are doing the right thing. But from the standpoint of universal law they are committing

(Testimony of Claibourne R. Tatum.)

murder. It is not my opinion; it is already stated in the Bible.

I preached the doctrines of Mankind United prior to Pearl Harbor but not publicly since then. I am preparing written sermons for release at a yet un-fixed future date when circumstances for their release has been established. I believe I am a regular minister of religion by virtue of the study I have made of Christianity as applied to one's everyday life. I have endeavored to understand the Christ's statement as it appears in the Bible, and as it relates to Mankind United and finding no inconsistencies I believe it was pertinent to teach those principles and their application for the purpose of establishing the principles of Christ in a practical manner and in that sense I do not believe any Christian minister can do more, whether ordained or otherwise. By virtue of this practice and preaching of these principles I believe I am entitled to exemption under the Selective Service Act. I do not know who is the head of the Timely Books Library because it is associated with Mankind United and I do not know the head of Mankind United. An agent of the Timely Books Library whom I know as Mr. Speaker and whose photograph appeared in a newspaper as Mr. Bell pays me the \$50 per month in cash. I do not know that he is the head of the Timely Books Library—he has never acknowledged himself as such to me. I have never asked him who is the head. That is a personality.

(Testimony of Claibourne R. Tatum.)

I do not serve personalities. I serve principles and God, which we all believe in. My wife and I live on \$50 per month. My wife assists me in my work, doing my typing for me.

(Thereupon Mr. Karesh offered to re-read to the jury the findings of fact and conclusions of the Hearing Officer, Hugh McKeivitt, contained in Defendant's Exh.A to which the defendant objected on [32] the ground the defendant ought to be entitled to answer questions thereon as the reading progressed and to show him the document and let him give his reasons where the statements made therein were untrue. The objection being overruled, the defendant excepted thereto and the Court allowed the exception.)

The Defendant's Exh.A was thereupon handed to the witness and the following questions were propounded to the witness by Mr. Karesh and the following answers were made by him:

“Q. I ask you, do you think the Hearing Officer who rendered that report was prejudiced?”

A. I believe there is a prejudice in stating, “Notwithstanding the Federal Bureau of Investigation,” and wiping that entire report aside as a personal responsibility and a prejudicial act on his part—in disregarding that entire testimony, and also his opinion I am not telling the truth because I, myself, know that I was and am; also in stating that I refused or indicated that I would not reveal the address of the Timely Books Library—he errs

(Testimony of Claibourne R. Tatum.)

there, because I was merely asked, "Did I know the address?" I replied, "No." I was not questioned whether I was hiding anything and, as I stated before this Court freely—and I hope it is believed, because, after all, it is so—I do not know where that place is located. It has not been considered that I should. There is a one-way contact between that bureau and me, or that Timely Books Library and me. I do not know how to contact it.

As far as my receiving \$50 a month, that is actually the case, and to infer that is not the case and I am lying about my income because of my dress, however it may be, my clothing, my wife's clothing, is purely presumptuous. He has no knowledge where I bought them, how I paid for them, or the circumstances. He merely states I was wearing clothes, therefore I couldn't possibly have been receiving \$50 a month.

And also he contends I am not telling the truth because I say I am writing sermons which I cannot by the wildest stretch of my imagination see how he can possibly arrive at because I state I am writing sermons, which I am. He asked for no proof. He merely asked, "What are you doing? Writing sermons for yourself?"

"No, for Timely Books Library." And that was the end of it.

"Registrant says he is a minister," and so on and so forth. He says, "Under no stretch of the imagination could he be considered a minister." I do not think he was asked to stretch his imagination, but only to look at the facts.

(Testimony of Claibourne R. Tatum.)

His mentioning of Mankind United and the reference to the indictment, and so on and so forth—he is accurate there—but I believe that the particular reference was definitely—the inclusion of that statement was for the purpose of inferring something that could have a very disagreeable flavor in regard to this particular document and influence those perusing it and reading the decision prejudicially.

Also, the mention of an alias of Mr. Browne used by Mr. Bell. [33] I, myself, have used, shall we say, a pseudonym—not an alias—I rather think of the term as pseudonym—for the purpose of certain financial dealings in purchasing supplies which I use at the present time, owing to the fact that I do not wish to have any contact with the field nor to have my former friends interrupt my studies, and therefore to deal through my name, generally I have used a pseudonym, myself, freely, but not with the intention to deceive.

And the name “Timely Books Library”—I do books for the Timely Books Library, but I do not know the Timely Books Library.

He says the scheme of Mankind United is not religious in substance or nature, and he draws upon his own opinion for that. There is no proof that it is not a religious organization. Its principles have never been proved wrong in court.

And in toto I believe the Hearing Officer errs and assumes things to be so which are not so, and in that circumstance he is prejudiced—would have to be

(Testimony of Claibourne R. Tatum.)

prejudiced in order to reach those conclusions without basis in fact.”

I wrote a letter to General Hershey, the National Director of the Selective Service System. He did not reply thereto but I believe he referred to letter to Colonel Leitch's office. I have never had a stay of induction from General Hershey or from Colonel Leitch. I am not willing to go into the Army for general military service or for non-combatant service or to go to a conscientious objector's camp. I received a notice to report for induction on July 26, 1943, but did not report. I received a notice that my Board of Appeal has classified me 1-A the day preceding the day I received the notice to report for induction. I received a notice of delinquency, Form 281. I answered that notice and said I would be unwilling to go into the service. I exhausted every administrative procedure in an effort to bring about a review of my file.

Redirect Examination

Mr. Orville C. Pratt, the Appeal Agent of Local Board 89 typed U. S. Exh. 15. I was sent to see him by Mr. Wells, the clerk of the Local Board, Mr. Pratt is a lawyer as well as the Appeal Agent. The word and figure “or 4-E” written on that exhibit were written by Mr. Pratt in his own handwriting. The letter dated December 13, 1942, annexed to that exhibit was typewritten by Mr. Pratt and I signed it at his instance and request. On June 8, [34] 1942, in U. S. Exhibit 5 I stated, “I am not averse to helping to save a life, but I would rather have my own

(Testimony of Claibourne R. Tatum.)

life taken than to take the life of another or help someone else do the same." I still have the same view that I then stated.

Recross Examination

If I served as a 1-AO I would be helping someone else to take a life. If I went to a conscientious objector's camp I would be removing myself from a field in which I could be of greater service, and I would be ignoring the responsibility I feel imposed on me, on my conscience.

Further Redirect Examination

If there is a choice between my taking someone else's life or losing my own I would rather have my own taken.

Further Recross Examination

If I saw someone taking the life of my fellow countryman—if I saw a Jap taking the life of my fellow countryman I would like to be able to look at the whole matter dispassionately and in a Christian manner and try to circumvent the action without using physical force. The ways and means might present themselves at that time. If such a circumstance occurred, if it came to the question of taking the Japanese person's life or my own I would far rather that he would take mine, because, after all, I do not know what I would be doing to him, and perhaps I am better prepared to sustain the experience.

TESTIMONY OF BETTY DODGE

Betty Dodge, called as a witness for the defendant, being first sworn, testified as follows:

I reside in San Francisco. My husband is a member of the armed forces of the United States. The defendant is my half brother. I have discussed his views with regard to war with him very often during the past three years prior to our entry into the war. I loaned him the money with which he bought the suit he is [35] wearing in court today. He has always been violently opposed to war. His opposition to war has been based upon both political and religious views, but primarily upon religious ones. When I was interviewed by an agent of the Federal Bureau of Investigation I told the agent the defendant had always been violently objecting to war and that he had been so far back as I can remember.

Cross-Examination

The defendant told me that he considers himself a minister. The following questions were then put to the witness by Mr. Karesh and the following answers given by her:

Q. Do you consider him a minister?

A. Well, I know my brother's views on the subject, but I don't know too much about his private home life.

Q. You say that he has always been violently opposed to war? A. He has.

Q. And you are married to an Army officer, is that right? A. An Army private.

(Testimony of Betty Dodge.)

Q. As a matter of fact, all people in America are violently opposed to war?

A. I believe that all people would, if they were strong enough, be opposed to war.

Q. And that includes the men in the armed forces?

A. They are there under circumstances I do not think they can help.

TESTIMONY OF FREDERICK W. ROSHER

Frederick W. Rosher, called as a witness for the defendant, being first sworn, testified as follows:

I first met the defendant about 1932 and have known him intimately since 1936. I invited the defendant to appear as a lecturer on Mankind United in 1937. I have heard him lecture in Salinas, Modesto, San Francisco, Oakland and other places. The nature of those lectures or sermons which he delivered was that stated by him in court at this trial, applying Christian principle [36] to the needs of the world as to daily living.

(The plaintiff did not cross-examine the witness.)

TESTIMONY OF MRS MARIAN L. ROSHER

Mrs. Marian L. Rosher, called as a witness for the defendant, being first sworn, testified as follows:

I have known the defendant since the fall of 1941.

(Testimony of Mrs. Marian L. Rosher.)

The nature of his work during the time I have known him has been as he has testified at this trial —proofreading and the writing of sermons. I have never heard him lecture from the public platform.

(The plaintiff did not cross-examine the witness.)

TESTIMONY OF H. BRAND

H. Brand, called as a witness for the defendant, being first sworn, testified as follows:

I know the defendant. I have heard him deliver sermons in San Francisco, Palo Alto, Redwood City and other places. The first time I heard him deliver a sermon was in 1938 in the Palo Alto Public Library. I heard him deliver sermons in the Women's Club in Redwood City and in the Western Women's Club in 1938, 1939 and 1940. He discussed the Bible.

(The plaintiff did not cross-examine the witness.)

TESTIMONY OF HENRY F. PAPENHAUSE

Henry F. Papenhouse, called as a witness for the defendant, being first sworn, testified as follows:

I am a general contractor and in the hardware business. I know the defendant. I have heard him deliver sermons to groups of people about a dozen times between 1937 and 1940 in which he discussed the Bible, the concepts of the Bible, and the way of

(Testimony of Henry F. Papenhouse.)

living with regard to those concepts. I was invited to attend those sermons by Mr. Brand. That is how I became acquainted with the defendant. [37]

Cross-Examination

I am not a member of Mankind United but I am affiliated with them. I get literature to read. I attend some of the meetings and we study a good deal on the Bible. I contribute money to it once in a while. I have not heard the defendant speaking since 1939 when the meetings were discontinued.

TESTIMONY OF ARNOLD E. MILLER

Arnold E. Miller, called as a witness for the defendant, being first sworn, testified as follows:

I am a half brother to the defendant. I am a newspaper man by profession but presently am assistant to the Director of Public Information at the Pacific Area Red Cross Office. I was rejected by the Army and Navy because of a physical disability. I lived with the defendant until 1936 when our mother passed away and our home broke up. Thereafter I went to Europe and saw him again in 1937 and 1940. He and I carried on correspondence in which he expressed the views he expressed on the witness stand at this trial.

(The plaintiff did not cross-examine the witness.)

TESTIMONY OF ALICE TATUM

Alice Tatum, called as a witness for the defendant, being first sworn, testified as follows:

The defendant is my husband. I have known him since 1934. I met him while both of us were singing in the choir at a Methodist Church in San Francisco. We were married in 1936. We entered into the group known as Mankind United together. I have heard him deliver sermons or lectures at various meetings to people who entertain thoughts of Mankind United. Those sermons were based upon the Bible and on the ideals and principles of Mankind United. I have frequently discussed with him his attitude toward war and he was always of the same frame of mind thereon as he announced from the witness stand today at this trial. I have been assisting him in the [38] preparation of his sermons by typing them for him. During the past two years and ever since he has been working on these sermons our income has been \$50 per month. The coat I am wearing was purchased with funds obtained from the Remedial Loan by sale of a diamond ring. My husband has devoted his entire time to this movement ever since he left his occupation as an artist to enter it.

(The plaintiff did not cross-examine the witness.)

Thereupon the defendant rested.

Thereupon counsel for the respective parties made their arguments to the jury. The following exceptions were noted by counsel for the defendant to the argument of Mr. Karesh to the jury, to-wit:

“Mr. Karesh: * * * * I call your attention to the blood of the battlefield—

Mr. Wirin: We object to the blood of the battlefield and charge it as a prejudicial statement of counsel. We ask that the Court instruct counsel not to refer to the blood of the battlefield in his argument.

Mr. Karesh: I see nothing prejudicial about it, and I say to your Honor—with all respect this is—it is the Selective Service System, and under the Selective Service Act if a man is called and refuses to respond, someone else must be called.

The Court: Proceed.

Mr. Wirin: May we have an exception?

The Court: Note an exception.

* * * * *

Mr. Karesh: And by inference he casts on those who are now fighting in the armed forces of our country the stigma of traitor to God, on those men who were willing—

Mr. Wirin: I want to address this Court. I object to that remark of counsel on the ground it is highly prejudicial to the defendant, and we ask the Court to instruct counsel not to make that argument, on the ground it is improper, an unwarranted inference from any of the evidence in this case, and a consciously improper effort by the prosecutor to appeal to the prejudice of the jury.

Mr. Karesh: I can say, your Honor, if anyone attempted to appeal to the patience and prejudice of anyone, it was you, yourself, counsel.

Mr. Wirin: Your Honor, we assign that as additional misconduct [39] on the part of the prosecutor and request the Court to instruct the jury to disregard the statement of Mr. Karesh.

Mr. Karesh: Rather than to quibble, your Honor, on such an issue, I will withdraw my argument on that point.

Mr. Wirin: No, we state to the Court the statement made by counsel—

The Court: What statement?

Mr. Wirin: The statement made about me is highly improper and an appeal to the prejudice of the jury.

The Court: Let the statements of both counsel go out and the jury will disregard them for all purposes in this case.

Mr. Wirin: May we have an exception, your Honor?

The Court: Proceed.

Mr. Karesh: I might say, the testimony of the defendant, "traitor to God," stands for itself.

* * * * *

* * * * *

Mr. Wirin: * * * He did not know he was entitled to a classification as a minister. :

Mr. Karesh: I ask that that go out. You said he did not know he was the type of person who was entitled to the classification of minister. We contend he is not.

Mr. Wirin: All right. He did not know at that time that he was the kind of person who could make a claim that he was an unordained minister, because he did not know the law provided for that.

* * * * *

Mr. Wirin: * * * * The members of the F.B.I. in that report said he was sincere—

Mr. Karesh: Just a moment—I wouldn't have objected unless you had, but there are people in that report of the F.B.I. who did not say he was sincere.

Mr. Wirin: If there are, there are one or two, and I am sure you will bring it up. You are very sure to get a conviction in this case.

Mr. Karesh: I do not think that is fair.

Mr. Wirin: You are not?

Mr. Karesh: I am concerned with doing the duty of the oath I took.

Mr. Wirin: We will find that out in Mr. Karesh's concluding remarks." [40]

After the oral arguments had been presented to the jury by counsel for the respective parties the Court instructed the jury, giving to the jury all of the written instructions proposed by the plaintiff and none of those proposed by the defendant. Prior to the time the jury withdrew to deliberate on its verdict the defendant duly excepted to the Court's refusal to give defendant's complete proposed Instructions Nos. 1 to 15 inclusive to the jury and excepted to the giving to the jury of plaintiff's proposed Instructions Nos. 4 to 7 inclusive, and said exceptions were duly allowed and noted by the

Court. These exceptions were taken and noted in the following language:

“Mr. Wirin: May I address the Court before the jury retires?”

The Court: Yes.

Mr. Wirin: We except to the instructions proposed by the Government and given by the Court, numbered 4 through 7, inclusive, in the document entitled “Plaintiff’s Proposed Instructions.”

We except to the failure and refusal of the Court to give the defendant’s proposed instructions numbered 1 to 17, inclusive, and we except additional to the instructions given by the Court which I think for convenience and brevity I might define as the instructions of the Court on the question of intent.

The Court: Let the record so show. The jury may retire.

Thereupon on November 17, 1943, at 9:45 a.m. the jury retired, and returned into Court at 10:06 a.m. with a verdict of guilty.)”

The following are the complete number of instructions requested by the defendant which were refused by the Court and to which refusal exceptions were taken by defendant and noted by the Court, to-wit:

“No. 1. You are instructed that the Selective Training and Service Act of 1940, as amended (5(g)) provides for exemption from military service those who by reason of religious training and belief conscientiously are opposed to participation in war in any form, if their claims are sustained.

Any person who is found by the Selective Service agencies to be conscientiously opposed to participation in war in any [41] form is to be assigned to work of a national importance under civilian direction, in lieu of induction into the armed forces.

You are further instructed that there has been set up numerous civilian public service camps throughout the country, to which camps such conscientious objectors are assigned to perform work of national importance.

You are further instructed that Selective Service Regulations, paragraph 622.51 provides that registrants who are found by the Selective Service agencies, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to both combat and non-combatant military service are to be classified as IV-E.

You are further instructed that in the event that a local draft board refuses to grant a IV-E classification to a registrant, the registrant has a right of appeal. That in the event the registrant takes such appeal, the Selective Service Regulations further provide (627.25) that the department of justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant; and that the registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard.

You are further instructed that an opportunity to be heard includes an opportunity furnished to the

registrant to know the nature and import of any evidence in the possession of the hearing officer adverse to the registrant, so that the registrant may be afforded the right and opportunity to meet or otherwise refute such adverse evidence.

You are further instructed that a finding by a hearing officer, or a recommendation by a hearing officer based upon evidence or information not made known to the registrant and without afford- [42] ing the registrant an opportunity to meet or refute such evidence, is not in accord with due process of law, and makes such finding or recommendation arbitrary and capricious; and a hearing resulting in such findings or recommendation is not a fair hearing as required by due process of law.

No. 2. That defendant is charged with having "knowingly and feloniously" failed and neglected to comply with an order of his local draft board, No. 89, to report for induction into the Land and Naval forces of the United States, as provided in the Selective Training and Service Act of 1940, as amended, and the rules and regulations made pursuant thereto. The burden is upon the Government to prove that the defendant failed to report as ordered in each of these particulars.

The word "feloniously" means done with an evil heart or purpose; with a wicked intent; malicious, villainous or perfidious. It means an act done with intent to commit a crime, with a mind bent on that which is wrong.

If you find that the defendant did not feloniously fail to comply with the order of the board to report

for induction, or if you find that there is a reasonable doubt as to whether the defendant feloniously failed so to report, you will find the defendant not guilty.

No. 3. You are instructed that a registrant is not required to comply with an order of a local board or of any other Selective Service agency if such order is void or unlawful.

You are further instructed that if you find that the defendant has violated no lawful order of his local board or any other Selective Service agency, you are to acquit the defendant.

No. 4. You are instructed that although under the Act, the decision as to what classification a particular registrant is to [43] receive is left to the local board, this does not mean that a court of law does not have the power nor that you as a jury do not have the power to review a classification.

This review is limited, however, to a determination by the jury of the facts, subject to the limitations to be indicated by the court in later instructions, that constitute arbitrariness or capriciousness, denial by the draft board of a fair hearing, or violation by the draft board of the provisions of the Selective Service and Training Act, or the Rules and Regulations adopted pursuant to the Act.

No. 5. You are instructed that Local and Appeal Boards under the Selective Service System must not act in an arbitrary or capricious manner. Classifications by such boards must be based upon the evidence before them and that evidence alone.

If you find that the local and appeal boards in

this case acted in an arbitrary or capricious manner or disregarded the evidence that was before them or failed to give the registrant, defendant herein, a full and fair hearing, you will acquit the defendant and find him not guilty.

No. 6. You are further instructed more particularly that if the order of the local or appeal boards in classifying the defendant or the recommendation of the hearing officer was made arbitrarily or capriciously, or was the result of passion or prejudice; or was made in disregard of the evidence presented to it, or if there was not substantial evidence to sustain the findings of said agencies; or if the defendant was denied any hearing at all; or was denied a full and fair hearing, the order of the local or appeal board in ordering the defendant to report for induction into the armed forces, or the recommendation of the hearing officer resulting in said order, was an illegal order since it was made [44] as a result of the deprivation of the defendant in his rights of due process of law.

It is for the jury to determine the facts as whether any of the above took place in the case of the defendant.

No. 7. You are instructed that under the Rules and Regulations of the Selective Service system a registrant who objects to a classification given him by a local draft board, has the right to request a personal appearance and hearing before said local board; that the registrant at said hearing is entitled to present evidence or information to the board supporting his claim for a classification, and is entitled

to have said evidence heard and considered by said local board.

You are further instructed that if a local board refuses to permit a registrant to produce such evidence, or if a local board refuses to consider said evidence, that said hearing violates due process of law; is arbitrary and capricious and an order resulting from such a hearing is void.

No. 8. The denial of a full and fair hearing is the same thing as the denial of any hearing. Therefore, if you find that although the defendant was granted a hearing either by the local board or the hearing officer, if either of those hearings was not a full and fair one, but was merely perfunctory and was not in accord with the ordinary rules of decency and fair play, or not in accord with the Selective Service System Rules and Regulations, you will find the defendant not guilty.

No. 9. If you find that there was not substantial evidence before the local and appeal boards to sustain the finding that defendant should be classified as he was, you will find the defendant not guilty.

By substantial evidence is meant a large quantum of evidence. It does not mean an absence of evidence and it means more than just [45] a scintilla or some evidence. It means that there must be enough evidence before the boards so that a reasonable man in the same circumstances as presented in this case would come to the same conclusion as the boards did.

If there was not enough of such evidence before

the local or appeal board, you must acquit the defendant.

No. 10. If you find that the decision of the local or appeal board was arrived at because of passion or prejudice against the defendant or against Man-kind United, you will find the defendant not guilty.

No. 11. If you find that the local board acted arbitrarily or capriciously in classifying the defendant as it did, you will find the defendant not guilty.

No. 12. If you find that the local or appeal board, or the hearing officer, disregarded the evidence presented on behalf of the defendant, you will find the defendant not guilty.

No. 13. You are instructed that under the Selective Training and Service Act it is not necessary for a person to be a member of or belong to a church or religious organization in order to be entitled to classification as a conscientious objector. Under the present law, conscientious scruple against war in any form, rather than allegiance to a definite religious group or creed.

Religious belief may be defined as a "sense of inadequacy of reason as a means of relating the individual to his fellow men and to his universe"; it finds "expression in a conscience which categorically requires the believer to disregard elementary self-interest and to accept martyrdom in preference to transgressing its tents."

No. 14. Arbitrary power and the rule of the United States Constitution requiring the principle of fair play (legally known as "due process") cannot both exist at the same time. They are anta- [46]

gonist and incompatible forces. Of necessity arbitrary power must perish before the rule of the Constitution. There is no place in our constitutional system of government (and this includes the administration of the Selective Service System) for the exercise of arbitrary power.

No. 15. You are instructed to find the defendant not guilty."

The following are the complete number of instructions requested by the plaintiff which were given by the Court to the jury to the giving of Nos. 4, 5, 6 and 7 of which the defendant took exceptions which were noted by the Court, said instructions being prefaced by the preliminary remark made by the court to the jury, to-wit:

"The Court (orally): It now becomes the duty of the Court to instruct the jury on the law of this case. It is the duty of the jury to apply the law that is given them to the facts before them.

It is the duty of the jury to give uniform consideration to all of the instructions which will be given, to consider all parts together, and to accept such instructions as a correct statement of the law involved."

"No. 1. The indictment in this case charged that Claibourne Randolph Tatum, being a male citizen between the ages of twenty-one and thirty-six years, residing in the United States and under the duty to present himself for and submit to registration under the provisions of the Act of Congress approved September 16, 1940, known as the "Selective

Training and Service Act of 1940" and thereafter to comply with the rules and regulations of said Act, and having in pursuance of said Act and the rules and regulations made pursuant thereto, become a registrant of Local Board No. 89 of the Selective Service System in the City of San Francisco, State of [47] California, which said Local Board No. 89 was duly appointed and acting for the area of which the said defendant is a registrant, did, on or about the 26th day of July, 1943, in the City and County of San Francisco, in the Southern Division of the Northern District of California and within the jurisdiction of this Court, knowingly and feloniously fail and neglect to perform such duty, in that he, the said defendant, having theretofore been classified in Class 1-A, did then and there knowingly and feloniously fail and neglect to comply with the order of his said Local Board No. 89 to report for induction into the land or naval forces of the United States, as provided in the said Selective Training and Service Act of 1940 and the rules and regulations made pursuant thereto.

No. 2. The pertinent portion of Section 11 of the Selective Training and Service Act of 1940, under which the defendant in this case is charged in the indictment, states that any person

“***who in any manner shall knowingly fail or neglect to perform any duty required of him under *** this Act or rules and regulations made pursuant to this Act *** shall upon conviction be punished,”

as in said Act provided.

No. 3. I instruct you that in Class I-A shall be placed every registrant who is found available for general military service, and such registrant shall be liable for induction into the Armed Forces of the United States.

No. 4. I instruct you that the local boards under rules and regulations prescribed by the President shall have power within their respective jurisdiction to hear and determine, subject to right of appeal to appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under the Selective Training and Service Act of 1940 of all individuals within the jurisdiction of such local [48] board. The decisions of such local boards shall be final except where an appeal is authorized in accordance with such rules and regulations as the President may prescribe.

No. 5. I instruct you that each Board of Appeal shall have jurisdiction to review any decision concerning classification of a registrant by any Local Board in the area of the Board of Appeal, provided that an appeal has been filed with the Local Board. Such appeal must be taken within ten days after the date when the Local Board mails to the registrant a Notice of Classification (Form 57). The decision of the Board of Appeal shall be final unless modified or reversed by the President.

No. 6. I instruct you that whether a Selective Service registrant is a minister of religion or a conscientious objector presents a question of fact which from its very nature is committed by the Act to

the determination of the competent local draft board, and if an appeal is taken, to the determination of the proper Appeal Board. You, as jurors, are not to decide whether the defendant is, or is not, a minister of religion or a conscientious objector. What you are to determine is whether the defendant, after classification, intentionally ignored the Draft Board's order to report for induction.

No. 7. I instruct you that if you find beyond a reasonable doubt and to a moral certainty that the defendant had been classified in Class I-A and that he was duly ordered by his Selective Service Local Board No. 89, San Francisco, California, the Selective Service Board with which he was registered, to report for induction into the land or naval forces of the United States at San Francisco, California, on or about the 26th day of July, 1943, as provided in the said Selective Training and Service Act of 1940, and that at the time and place as aforesaid he knowingly failed and [49] neglected to perform such duty, then you shall find the defendant guilty as charged."

The following instructions were also given to the jury by the Court at its own instance in addition to those requested by the plaintiff, to-wit:

"(a) By the finding of an indictment no presumption whatsoever arises to indicate that a defendant is guilty, or that he has had any connection with, or responsibility for, the act charged against him. A defendant is presumed to be innocent at all stages of the proceeding until the evidence intro-

duced on behalf of the Government shows him to be guilty beyond a reasonable doubt. And this rule applies to every material element of the offense charged. Mere suspicion will not authorize a conviction.

(b) Every person charged with crime is presumed to be innocent, and this presumption has the effect of evidence, and continues to operate on his behalf until it is overcome by competent evidence. It is not necessary for the defendant to prove his innocence; the burden rests upon the prosecution to establish every element of the crime charged, to a moral certainty and beyond a reasonable doubt.

(c) In every crime there must exist a union or joint operation of act and intent, and for a conviction, both elements must be proven to a moral certainty and beyond doubt. Such intent is merely the purpose or willingness to commit such act. It does not require a knowledge that such act is a violation of law.

(d) However, a person must be presumed to intend to do that which he voluntarily and wilfully does in fact do, and must also be presumed to intend all the natural, probable and usual consequences of his own acts.

(e) A reasonable doubt is a doubt resting upon the judgment and reason of him who conscientiously entertains it from the evidence in the case. It is a doubt based upon reason. By such a doubt is not meant merely every possible or fanciful conjecture that may be suggested or imagined. A reasonable doubt is that state of the case which, after the en-

tire comparison and consideration of the evidence in the cause, leaves the minds of the jurors in that condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

(f) A reasonable doubt is not a mere imaginary or possible doubt, but a fair doubt based on reason and common sense, and growing out of the testimony in the case.

(g) The defendant is charged with having knowingly and feloniously failed and neglected to comply with an order of his local draft board No. 89, to report for induction into the land or naval forces of the United States, as provided in the Selective Training and Service Act of 1940, as amended, and the rules and regulations made pursuant thereto. The burden is upon the government to prove that the defendant failed to report as ordered in each of these particulars.

(h) The word "feloniously" means with a deliberate intent to do a wrongful act. [50]

(i) The jury are the sole and exclusive judges of the effect and value of evidence addressed to them, and of the credibility of the witnesses who have testified in the case, and the character of the witnesses as shown by the evidence should be taken into consideration, for the purpose of determining their credibility and the facts as to whether they have spoken the truth. And the jury may scrutinize not only the manner of witnesses while on the stand, their relation to the case, if any, but also their degree of intelligence. A witness is presumed to speak

the truth. This presumption, however, may be repelled by the manner in which he testified; his interest in the case, if any; or a motive for testifying falsely, if any; or his bias or prejudice, if any, against one or more of the parties; by the character of his testimony, or by evidence affecting his character for truth, honesty or integrity; or by contradictory evidence.

(j) The jury are the sole judges of the credibility and of the weight which is to be given to the different witnesses who have testified upon this trial. A witness is presumed to speak the truth. This presumption, however, may be repelled by the manner in which he testifies; by the character of his testimony, or by evidence affecting his character for truth, honesty and integrity, or his motives; or by contradictory evidence. In judging the credibility of the witnesses in this case, you may believe the whole or any part of the evidence of any witness, or may disbelieve the whole or any part of it, as may be dictated by your judgment as reasonable jurors. You should carefully scrutinize the testimony given, and in so doing consider all of the circumstances under which any witness has testified, his demeanor, his manner while on the stand, his intelligence, the relation which he bears to the Government, or the defendant, the manner in which he might be affected by the verdict, and the extent to which he is contradicted or corroborated by other evidence, if at all, and every matter that tends reasonably to shed light upon his credibility. If a

witness is shown knowingly to have testified falsely on the trial touching any material matter, the jury should distrust his testimony in other particulars, and in that case you are at liberty to reject the whole of the witness' testimony, or any part of it.

(k) A witness may be impeached by the party against whom he was called by contradictory evidence, by evidence that he has made at other times statements inconsistent with his present testimony. If you find that any witness has been impeached, or that the presumption of truthfulness attached to the testimony of such witness has been repelled, then you will give the testimony of such witness such credibility, if any, as you may consider it entitled to. Where a showing of inconsistent statements by way of impeachment is allowed and made, you, as jurors, nevertheless remain the exclusive judges of the credibility of all the witnesses, and are just as much entitled to believe the witness whose statements are impeached as the witness who is not impeached.

(1) There is nothing peculiarly different in the way a jury is to consider the proof in a criminal case from that by which men give their attention to any question depending upon evidence presented to them. You are expected to use your good sense, consider the evidence for the purposes only for which it has been presented, and in the light of your knowledge of the natural tendencies and propensities of human beings, resolve the facts according to deliberate and cautious judgment; and while remembering that a defendant is entitled to any reasonable doubt that may remain in your minds,

remember as well that if no such doubt remains the Government [51] is entitled to a verdict.

(m) The Court cautions you to distinguish carefully between the facts testified to by the witness and the statements made by the attorneys in their arguments, or presentations as to what facts have been or are to be proved. And if there is a variance between the two, you must, in arriving at your verdict, to the extent that there is such a variance, consider only the facts testified to by the witnesses; and you are to remember that statements of counsel in their arguments or presentations are not evidence in the case.

(n) If counsel upon either side have made any statements in your presence concerning the facts of the case, you must be careful not to regard such statements as evidence, and must look entirely to the proof in ascertaining what the facts are.

(o) If counsel, however, have stipulated or agreed to certain facts, you are to regard the facts stipulated to as being conclusively proven.

(p) The Court charges the jury that if you find and believe from the evidence that the defendant, Claibourne Randolph Tatum, on or about the 16th day of October, 1940, was duly registered with Selective Service Local Board No. 89, of the City and County of San Francisco, California, and that he thereafter duly filed his questionnaire and that he was thereafter classified by the said Board, and that he was thereafter allowed to appeal to the Board of Appeal, and further find that the Board of Appeal classified the defendant in Class 1-A, and if you further find that he was then notified of this classi-

fication by the said local board, and that thereafter he was duly notified by said Local Board No. 89 to report for induction into the land or naval forces of the United States on or about the 26th day of July, 1943, and further find that the defendant thereafter knowingly, willfully, unlawfully and feloniously failed and refused to report for induction in obedience to said order of said local board, then you are instructed you must find the defendant guilty as charged in the charge set out in the indictment, and if you do not so find, then you should acquit the defendant.

(q) Although as men and women you may sympathize with those who suffer, yet as honest men and women, bound by your oath to administer judgment according to law and evidence, you should not act upon your sympathies without any proof; mercy does not belong to you. No question of mercy, sentiment, or anything else resides with you, except the question of whether or not you believe from the evidence, and beyond a reasonable doubt, that the defendant is guilty. If, after a careful consideration of the law and the evidence in the case, you are satisfied beyond a reasonable doubt that the defendant is guilty, you should return your verdict accordingly. Duty demands it, and the law requires it. You must be just to the defendant and equally just to the Government. As manly, upright men and women, charged under your oaths with responsibility and duty of assisting the Court in the administration of justice, you will put aside all

sympathy and sentiment, all consideration of public approval or disapproval, and look steadfastly and alone to the law and the evidence in the case, and return into Court such a verdict as is warranted thereby.

(r) In determining what your verdict shall be, you are to consider only the evidence before you. Any testimony as to which an objection was sustained, and any testimony which was ordered stricken out, must be wholly left out of account and disregarded. [52]

(s) The verdict of the jury should represent the opinion of each individual juror; it by no means follows that the opinions may not be changed in the jury room. The very object of the jury system is to secure unanimity by comparison of views and by arguments among the jurors, themselves.

(t) There is nothing peculiarly different in the way a jury is to consider the proof in a criminal case from that by which men give their attention to any question depending upon evidence presented to them. You are expected to use your good sense, consider the evidence for the purposes only for which it has been admitted, and in the light of your knowledge of the natural tendencies and propensities as human beings, resolve the facts according to deliberate and cautious judgment.

(u) Jurors are expected to agree upon a verdict where they can conscientiously do so; you are expected to consult one another in the jury room, and any juror should not hesitate to abandon his own view when convinced that it is erroneous.

(v) Your verdict must be unanimous.

When you retire to the jury room to deliberate, you will select one of your number as foreman, and he will sign your verdict for you when it has been agreed upon, and he will represent you as your spokesman in the further conduct of this case in this Court.

The Clerk has prepared a form of verdict for you, which you will take to the jury room with you. It is made out in blank, and when you have agreed on your verdict you will fill in that blank and you will have your foreman sign that verdict and bring it back into court with you."

At the conclusion of the reading of the instructions to the jury by the Court the jury retired to determine upon a verdict and thereafter on said day returned a verdict of Guilty as charged in the indictment.

Thereafter on said day November 17, 1943 said Court sentenced defendant to three (3) years imprisonment in a federal penitentiary to be designated by the Attorney-General and the defendant was thereupon taken into custody by the U. S. Marshal.

The above Bill of Exceptions contains a recital of all the evidence, oral and documentary, and all of the proceedings relating to the trial, conviction and sentence made in said action.

Dated: December 13, 1943.

A. L. WIRIN

THEODORE TAMBA

W. M. COLLINS

Attorneys for Defendant. [53]

Receipt of a copy of the foregoing Bill of Exceptions proposed by the defendant is hereby admitted this 13th day of December, 1943.

FRANK J. HENNESSY

UNITED STATES ATTORNEY

Per T. S.

Attorneys for Plaintiff.

STIPULATION

It is hereby stipulated between the parties hereto, by their respective counsel, that the above and foregoing Bill of Exceptions was prepared within the time allowed by law, and as extended by court order at the request of defendant, that it represents the bill of exceptions proposed by the defendant, and as amended by the plaintiff, that the same is in proper form and conforms to the truth and that it may be settled, allowed, approved and authenticated by this Court as the true Bill of Exceptions on appeal herein and be made a part of the records in said case.

Dated: January 8th, 1944.

FRANK J. HENNESSY

United States Attorney

JOSEPH KARESH

Assistant United States Attorney

Attorneys for Plaintiff

A. L. WIRIN

THEODORE TAMBA

WAYNE M. COLLINS

Attorneys for Defendant.

ORDER

It is hereby ordered that the above and foregoing engrossed Bill of Exceptions, duly presented to this court and agreed to by the respective parties hereto, and which has been presented to the Court within the time allowed by law and the rules and orders of this Court, be and the same is hereby settled, allowed, signed and authenticated as in proper form and in conformity with the truth [54] and as the true Bill of Exceptions herein, and the same is hereby made a part of the record in this case.

Dated: January 8, 1944.

MICHAEL J. ROCHE,

United States District Judge.

[Endorsed]: Lodged Dec. 13, 1943.

[Endorsed]: Filed Jan. 8, 1944. [55]

[Title of District Court and Cause.]

ASSIGNMENT OF ERRORS

Appellant in the above-entitled action assigns as error the following:

(1) The giving of instructions by the Court that the decisions of the Local Board are final.

(2) Giving of instructions by the Court that the jury could not determine whether the Local Board or the Appeal Board was right in its determination of the classification of defendant.

(3) The refusal to give instructions 1 to 15 inclusive requested by the defendant.

(4) The giving of instructions 4 to 7 inclusive requested by the prosecution.

(5) The judgment of conviction violates the rights of the defendant to freedom of religion.

(6) Misconduct of counsel for plaintiff prejudicial to [56] defendant.

Dated this 20th day of January, 1944.

A. L. WIRIN

THEODORE TAMBA

WAYNE COLLINS

Attorneys for Appellant.

Receipt of copy of the foregoing is acknowledged this 20th day of January, 1944.

FRANK J. HENNESSY

[Endorsed]: Filed Jan. 20, 1944. [57]

[Title of District Court and Cause.]

INSTRUCTIONS TO CLERK RE PREPARA-
TION OF RECORD.

To The Clerk of the Above Entitled Court:

You will please prepare a transcript of record in this cause to be filed in the office of the Clerk of the United States Circuit Court of Appeals, for the Ninth Circuit, under the appeal heretofore taken herein, and include in said transcript the following pleadings, proceedings, orders and documents, to-wit:

1. The Indictment.
2. Arraignment and plea, minute entry thereon.
3. The verdict, judgment, sentence to two years in jail and commitment.
4. Notice of Appeal.
5. Court order of Oct. 14, 1943, fixing time within which to file, serve and settle Bill of Exceptions, and orders extending time thereon (minute orders).
6. Assignment of Errors.
7. Bill of Exceptions.
8. All exhibits introduced into evidence at trial.
9. Statements of Points upon which defendant intends to rely upon appeal and description of parts of record to be printed.
10. This praecipe.

Dated: January 20, 1944.

A. L. WIRIN
THEODORE TAMBA
WAYNE COLLINS

Attorneys for Defendant

(Receipt of Service) (Appellant).

[Endorsed]: Filed Jan. 20, 1944. [58]

District Court of the United States
Northern District of California

CERTIFICATE OF CLERK TO TRANSCRIPT
OF RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 58 pages, numbered from 1 to 58, inclusive, contain a full, true, and correct transcript of the records and proceedings in the case of The United States of America, vs. Claibourne Randolph Tatum, No. 28085 R, as the same now remain on file and of record in my office.

I further certify that the cost of preparing and certifying the foregoing transcript of record on appeal is the sum of \$4.55 and that the said amount has been paid to me by the Attorney for the appellant herein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at San Francisco, California, this 23rd day of February A. D. 1944.

[Seal]

C. W. CALBREATH
Clerk

W. E. VAN BUREN
Deputy Clerk [59]

U. S. EXHIBIT No. 1

San Francisco, California.

November 10th, 1943.

I hereby certify that the attached registration card is a true copy of the original Registration Card for Selective Service, of Claibourne Randolph Tatum, Order No. 1165 a registrant of Local Board No. 89, Selective Service, San Francisco County, California.

OLIN WELLS

Clerk of Local Board No. 89

(over)

[Stamped]: Local Board No. 28 91 San Francisco County 075 Nov 10 1943 089 5108 Geary Blvd., San Francisco, 18, California

Serial				Order
Nnumber	1. Name (Print)			Number
1505	Claibourne Randolph Tatum			1165
	(First)	(Middle)	(Last)	

2. Address (Print)
 563 - 29th Ave. San Francisco, S.F. Cal.
 (Number and street or R.F.D. number (Town) (County) (State))

3. Telephone	4. Age in Years	5. Place of Birth	6. Country of
None	27	San Francisco	Citizenship
	Date of Birth	(Town or county)	U.S.A.
	March 15-1913	Cal.	
(Exchange (No.))	(Mo.) (Day) (Yr.)	(State or country)	

7. Name of Person Who Will Always Know Your Address
 Mrs. Alice Washburn Tatum
 (Mr., Mrs., Miss) (First) (Middle) (Last)

8. Relationship of That Person
 Wife

9. Address of That Person

563 - 29th Ave San Francisco S.F. Cal.
 (Number and street or R.F.D. route) (Town) (County) (State)

10. Employer's Name

W.P.A. Project

11. Place of Employment or Business

San Francisco, S.F. Cal.
 (Number and street or R.F.D. route) (Town) (County) (State)

I affirm That I Have Verified Above Answers and That They Are True,

Signed—

CLAIBOURNE R. TATUM
 (Registrant's Signature)

Registration Card

D. S. S. Form 1

(over)

REGISTRAR'S REPORT

Race		Description of Registrant			
		Height	Weight		Complexion
		(Approx.)	(Approx.)		
White	X	5' 9½	160		Sallow
Negro		Eyes	Hair		Ruddy
		Blue	Blonde		Dark
Oriental		Gray X	Red X	Freckled	
		Hazel	Brown		Light Brown
Indian		Brown	Black		Dark Brown
		Black	Gray		Black
Filipino			Bald		

Other obvious physical characteristics that will aid in identification.....

I certify that my answers are true; that the person registered has read or has had read to him his own answers; that I have witnessed his signature or mark and that all of his answers of which I have knowledge are true, except as follows:

NORA ELIZABETH NELSON
 (Signature of Registrar)

Registrar for 131 28 S.F. Cal
 (Precinct) (Ward) (City or county) (State)

Date of registration—October 16, 1940.

[Endorsed]: Filed 1-15-43.

U. S. EXHIBIT No. 2

SELECTIVE SERVICE QUESTIONNAIRE

Order No. 1165

Date of Mailing May 12 '41

(Stamp of Local Board): Selective Service
Local Board 89 380 - 18th Avenue San Fran-
cisco, Calif.

Name: Claibourne Randolph Tataum
(First) (Middle) (Last)

Address: 563 - 29th Ave.
(Number and street or R. F. D. route)

San Francisco, Cal.
(City or town) (County) (State)

Notice to Registrant

You are required by the Selective Training and Service Act of 1940 to fill out this Questionnaire truthfully and to return it to this Local Board on or before the date shown below. Willful failure to do so is punishable by fine and imprisonment.

This Questionnaire must be returned on or before May 17 '41.

MICHAEL COSTELLO

Member of Local Board.

(The above items are to be filled in by the Local Board before Questionnaire is mailed to the registrant.)

Instructions

This Questionnaire is intended to furnish the Local Board with information to enable it to

U. S. Exhibit No. 2—(Continued)

classify you in one of the following Selective Service classes:

Class I includes men who are available for induction into the armed forces of the United States.

Class II includes those whose induction is deferred because of the importance to the Nation of the service they are rendering in their civilian activities.

Class III includes those whose induction is deferred because they have persons dependent upon them for support.

Class IV includes those whose induction is deferred by law and those unfit for military service.

You will receive notice from your Local Board of your classification.

Oaths required in the Questionnaire may be administered by (1) a member or chief clerk of a Local Board or Board of Appeal member or associate member of an Advisory Board for Registrants, or a Government Appeal Agent; (2) any Postmaster, Notary Public, or any Federal, State, county, or municipal officer authorized by law to administer oaths generally or for military purposes. No fee should be charged for this service.

Advisory Boards for Registrants are organized to assist registrants in completing their Questionnaires. No charges will be made for this service. If there is no Advisory Board available, you must nevertheless complete your Questionnaire.

If the registrant is an inmate of an institution and is unable to complete the Questionnaire, the

U. S. Exhibit No. 2—(Continued)

executive head of the institution shall communicate these facts immediately to the Local Board.

1. Make no alterations in the printed matter in this Questionnaire.

2. Write the applicable words in the spaces provided in the Questionnaire.

3. If you furnish additional information or affidavits with your Questionnaire, attach the same securely to it.

4. If you are already in the active military or naval service, obtain a certificate to that effect from your commanding officer and attach same to your Questionnaire.

5. After this Questionnaire has been returned, report to your Local Board at once any change of address or any new fact which may affect your classification.

When a notice affecting you is posted at the office of your Local Board, you are bound to perform the duty required even if no notice reaches you by mail.

Any statements in this Questionnaire marked (Confidential) are for information only of the officials duly authorized under the regulations to examine them.

U. S. Exhibit No. 2—(Continued)

[Stamped]: Local Board No. 89. 380 18th Ave.
May 17 1941 San Francisco, San Francisco Co.,
California.

(1)

Statements of the Registrant

Series I.—Identification

Instructions.—Every registrant shall fill in all statements in this series.

1. My name is (print)

Claibourne	Randolph	Tatum
(First name)	(Middle name)	(Last name)

2. In addition to the name given above, I have also been known by the names or names of. . . .

3. My residence is 563 - 29th Avenue

(Number and street or R. F. D. route)

San Francisco	San Francisco	California
(Town—(City, town or village))	(County)	(State)

4. My telephone number is BAYview 8681

(Town) (Exchange) (Number)

(If you have no phone, write "None")

5. My Social Security number is 570-12-4834 (If none, write "None")

Series II.—Physical Condition (Confidential)

Instructions.—Every registrant shall fill in all statements in this series.

1. To the best of my knowledge, I have physical

(Have, have no)

or mental defects or diseases. If so, they are very poor teeth, and a faulty intestinal tract, (subject to Auto-intoxication).

(List defects or diseases here)

U. S. Exhibit No. 2—(Continued)

2. I..... an inmate of an institution, If so,
 (Am, am not)
 its name is
 (Name of hospital, prison, or other institution)
 and it is located at.....
 (Give address)

Series III.—Education

Instructions.—Every registrant shall fill in all statements in this series.

1. I have completed 8 years of elementary school
 (Number)
 and 4 years of high school.
 (Number)
2. I have had the following schooling other than elementary and high school (if none, write "None"):

Name of Vocational School, College, or University	Course of Study	Length of Time Attended
California School of Fine Arts	Fine Arts (in general)	3 yrs.
Art Students League	Life Drawing	5 mos.
Guy Wiggins Art Academy	Landscape Painting	4 " (?)

Series IV.—Occupation or Activity

Instructions.—All registrants shall fill in statement No. 1 in this series. Every registrant who is now working shall fill in all statements in this series except No. 9. Every registrant who is now prevented from working merely because of some seasonal or temporary interruption shall fill in all statements except statements numbered 2 through 8 in this series.

As used in this series, words such as occupation,

U. S. Exhibit No. 2—(Continued)

work, and job apply to services rendered in any endeavor and to training or preparation for any endeavor.

1. I (W.P.A.) working at present.

(Am, am not)

2. The job I am working at now is (give full title, for example: Construction draftsman, turret-lathe operator, stationary engineer, farm laborer, prosecuting attorney, physics teacher, medical student, policeman, marriage license clerk, etc.): Artist Grade #1.

3. I do the following work in my present job (be specific—give a brief statement of your duties): Designing, layout, and general supervising of the execution of designs.

4. I have done this kind of work for 8 yrs.

(Length of time)

5. My average weekly earnings in this job are \$21.00. (Confidential.)

6. In this job I am

(Put an X in one box)

(X) an employee, working for salary, wages, commission, or other compensation.

() an independent worker, working on my own account, not hired by anyone, and not hiring any help.

() working for my father or for the head of my family, but receiving no pay.

() an employer or proprietor hiring.....
paid workers. (Number)

() a student preparing for

U. S. Exhibit No. 2—(Continued)

7. My employer is: U. S. Government.

(Name of organization or proprietor, not foreman or supervisor)

950 - Columbus Avenue, San Francisco, Calif.

(Address of place of employment—street or R.F.D. route, city, and State)

whose business is (W.P.A.)

(For example: Farm, airplane engine factory, retail food store, W.P.A.)

8. Other business or work in which I am now engaged is None

(If none, write "none")

(2)

9. If you are not now working because of some seasonal or temporary interruption, attach to this page a statement (a) explaining what the interruption is, when it began, and when you expect to be able to resume your work, and (b) supplying substantially the same information regarding your last job as is required in the above items in this series.

10. I am not licensed in a trade or profession; if

(Am, am not)

so, I am licensed as.....

(For example: Marine pilot, physician, aviator, stationary engineer)

11. I am not at present an apprentice under a writ-

(Am, am not)

ten or oral agreement with my employer.

12. Other facts which I consider necessary to present fairly the occupation which I have described, or my connection with it, as a ground for classification are (if none, write "None"): that I have had considerable experience with oil, water color, tempera, fresco painting—also work in stone, wood and clay.

U. S. Exhibit No. 2—(Continued)

Instructions.—You may attach to this page any statement from your employer which you think the Local Board should consider in determining your classification. Such statement will then become a part of this Questionnaire.

Series V.—Other Occupational Experience

Instructions.—Every registrant shall fill in this statement. Include any formal apprenticeship served.

1. have also worked at the following occupations other than my present job, during the last 5 years: (if none, write “None”)

Occupation (Give full title; for example, turret-lathe opr., farmer, etc.)	Kind of Work Done (Be specific—give a brief statement of your duties)	Years Worked From— To—	
Building Construction Laborer	assisting carpenters,— gen'l maintenance	1936	1939

Series VI.—Agricultural Occupations

Instructions.—Every registrant who works on a farm shall fill in this series, in addition to filling out Series IV and V above.

[Followed by printed form not filled in]

Series VII.—Dependency (Confidential except as to names and addresses of claimed dependents.)

Instructions.—Every registrant shall fill in the statements numbered 1, 2, and 3 in this series.

U. S. Exhibit No. 2—(Continued)

1. (a) I am

(Put an "X" in one box)

() single.

(X) married.

() a widower.

() divorced.

(b) If married, I married my present wife at
San Francisco, California on May 4, 1936.

(City and State)

(Month, day, year)

(c) I do live with her. If not, her address is.....

(Do, do not)

(3)

2. I have no children who are under 18 years of

(Number of children; if none, write "No")

age or are physically or mentally handicapped,
and who live with me.

“Dependent,” As Used in This Series Defined

The word “dependent,” as used in this series, means any person to whose support the registrant contributes more than merely a small part of such person’s support (or to whose support the registrant would contribute were he not temporarily prevented from so doing by the registrant’s physical or economic situation) who is either (a) the registrant’s wife, divorced wife, parent, foster parent, or grand parent, or (b) the registrant’s child, unborn child, brother, half-brother, sister, or half-sister, who is under 18 years of age or is physically or mentally handicapped, or (c) a person whose support the registrant has assumed in good

U. S. Exhibit No. 2—(Continued)

faith, who is either under 18 years of age or is physically or mentally handicapped.

Only a person who is a United States citizen or who lives in the United States or its Territories or possessions may be regarded as a dependent.

Based on the information contained in this Questionnaire and on other information which the Local Board may receive, the Local Board will determine whether the "dependent" is an individual who is dependent in fact for support in a reasonable manner in view of such individual's circumstances on income earned by the registrant by his work in a business, occupation, or employment.

Instructions.—Only those registrants who believe that one or more persons are dependent for support on the registrant's earnings from his work are required to fill in the statements numbered 3 through 12 in this series.

3. The following persons live with me in a home maintained by me and are entirely or partly dependent on my earnings from my work in my business, occupation, or employment, and have no other sources of income except as stated below:

Name	Sex	Age at last birth-day	Relation ship to registrant	Date when support began	Dependent' income, last 12 months other than board and lodging provided by the registrant in his home.		
					Con-tributed by the registrant	Earned by the de-pendent	Received from other sources
Mrs. Alice W. Tatum	F	31	Wife	5-4-36	\$1020.—		

U. S. Exhibit No. 2—(Continued)

The net cost to me of maintaining my home during the last 12 months, after deducting \$. Contributed by others than myself for support of such dependants was \$1020.

4. The following persons do not live with me in a home maintained by me, but are entirely or partly dependent on my earnings from my work in my business, occupation, or employment, and have no other sources of income except as stated below:

[Followed by a printed form not filled in]

5. The cause of the dependency of any persons over 18 years of age (excluding my wife) listed above is as follows: (Give the name and a full statement of cause for dependency in each case.).....
6. Of my dependents, only the following are receiving a part of their support from persons other than myself. (Give name of dependent, name and address of other person or agency contributing to his support, and amount so contributed in cash or other things of value by such person or agency during the last 12 months).....

(4)

7. Of the amounts contributed by me to dependents listed above, only \$.....contributed
(If none, write none)
to Mrs. Alice W. Tatum, was in payment for
(Name of Dependent)
my own board and/or lodging.

U. S. Exhibit No. 2—(Continued)

8. The income I earned from my work in my business, occupation, or employment during the 12 months was \$1020.—
9. My income from all other sources during the past 12 months was \$.....
10. The following is a list of all property owned by (or held in trust for) either me or my dependents, the value of such property, and the net income received by either me or my dependents from such property during the past 12 months: (List this information separately as to the registrant and each dependent. Do not include clothing, personal effects, or household furnishings; or cash less than \$500. Indicate which of such property is your home.)

[Followed by printed form not filled in]

11. I do rent the house in which I live. If so, the (Do, do not) monthly rent is \$42.—, and the name and address of my landlord is Mr. G. A. Borman, 1040 Bayshore Blvd.
12. Other facts which I consider necessary to present fairly my own status and that of my dependents as a basis for my proper classification are: (If none, write "None.") my wife, owing to a back injury and a past incipient arthritic condition, is unable to support herself in the usual fields of endeavor and not having any formal training for business is wholly unprepared for such employment.

Instructions.—With respect to any dependent

U. S. Exhibit No. 2—(Continued)

(other than the registrant's own wife, child, parent, or grandparent) whose support the registrant has assumed, attach to this page a statement explaining why and under what circumstances the registrant assumed such person's support. Such statement will become a part of this Questionnaire.

Supporting Affidavit of Dependents Over 18
Years of Age

Instructions.—If convenient, each dependent over 18 years of age except the registrant's wife shall swear to (or affirm) the following affidavit. The registrant shall furnish the Local Board a separate affidavit from each such dependent who does not sign the affidavit below. Blanks for this purpose will be supplied by the Local Board on request.

[Followed by printed form containing no entries]

Series VIII.—Minister, or Student Preparing
for the Ministry

Instructions.—Every registrant who is a minister or a student preparing for the ministry shall fill in the statements in this series that apply to him.

[Followed by printed form not filled in]

(5)

Series IX.—Citizenship

Instructions.—Every registrant shall fill in the statements numbered 1, 2, 3, and 4 in this series.

1. I was born at San Francisco, California, U.S.A.
(Town) (State) (Country)

2. I was born on March 15 1913
(Month) (Day) (Year)

U. S. Exhibit No. 2—(Continued)

3. My race is: (X) White; () Negro; () Oriental; () Indian; () Filipino; Other (specify).....
4. I am a citizen of the United States.

(Am. am not)

Instructions.—Every registrant who is not a citizen of the United States shall fill in the statements numbered 5, 6, 7, 8, and 9.

[Followed by printed from not filled in]

Series X.—Conscientious Objection To War

Instructions.—Only registrants who are conscientiously opposed to combatant or noncombatant military service by reason of their religious training and belief shall fill in this series, and shall obtain from the Local Board a special form on which to give substantiating evidence of conscientious objection. The Local Board will determine whether the registrant shall be classed as a conscientious objector on the basis of the claim made and the information contained in the special form.

[Followed by printed from not filled in]

Series XI.—Court Record (Confidential)

Instructions.—Every registrant shall fill in statement Number 1.

1. I have not been convicted of treason or a felony. (Have, have not)

Instructions.—Every registrant who has ever

U. S. Exhibit No. 2—(Continued)

been convicted of such an offense shall fill in the statements numbered 2, 3, and 4.

[Followed by printed form not filled in]

Series XII.—Military Service (Confidential)

Instructions.—Every registrant who now is or has been a member of the armed forces of the United States shall fill in the statements in this series. (Use a separate line for each term of service.)

My military service has been as follows:

[Followed by printed form not filled in]

(6)

Series XIII.—Students, Present Members of Armed Forces, Certain Officials, Etc.

Instructions.—Every registrant who is a member of one or more of the groups named in this series shall check the appropriate item or items, and shall supply any further information called for under the item or items checked.

[Followed by printed form not filled in]

Registrant's Statement Regarding Classification

Instructions.—It is optional with registrant whether or not he fills in this statement, and failure to answer shall not constitute a waiver of claim to deferred or other status. The local board is charged by law to determine the classification of the registrant on the basis of the facts before it, which

U. S. Exhibit No. 2—(Continued)

should be taken fully into consideration regardless of whether or not this statement is filled in.

In view of the facts set forth in this Questionnaire it is my opinion that my classification should be Class.....

(See Instructions, Page 1)

The registrant may write in the space below or attach to this page any statement which he believes should be brought to the attention of the Local Board in determining his classification.

.....


Registrant's Affidavit

Instructions.—1. Every registrant shall make the registrant's affidavit. 2. If the registrant cannot read, the questions and his answers thereto shall be read to him by the officer who administers the oath.

State of California,

County of San Francisco—ss.

I, Claibourne Randolph Tatum, do solemnly swear (or affirm) that I am the registrant named and described in the foregoing statements in this Questionnaire, that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information and belief.

Registrant sign here 

CLAIBOURNE RANDOLPH
TATUM

(Signature or mark of registrant)

U. S. Exhibit No. 2—(Continued)

Subscribed and sworn to before me this 17th day of May, 1941.

[Seal]

JOHN MERTINS

(Signature of officer)

(Designation of officer)

Notary Public in and for the City and County of San Francisco, State of California. My Commission expires December 31, 1941.

If the registrant has received assistance from an advisor, the latter will sign the following statement:

I have assisted the registrant herein named in the preparation of this Questionnaire.

Advisor

(7)

Instructions.—Registrant shall write nothing below this line when filling out the Questionnaire.

Minute of Action on Request of Time for Filing Claim or Proof

[Followed by printed form not filled in]

Minute of Action by Local Board

The Local Board classifies the registrant in Class III, Subdivision....., by the following vote: Ayes 3, Noes 0.

July 7, 1941

(Date)

THOS. R. O'DAY,
Member.

U. S. Exhibit No. 2—(Continued)

Appeal to Board of Appeal

I hereby appeal from the classification by the
Local Board in Class....., Subdivision.....
November 30, 1942.

(Date)

CLAIBOURNE RANDOLPH
TATUM

(Signature of person appealing)

Instructions.—You must also attach here a written statement specifying the class or classes in which you think you should be placed. If you wish the appeal board to review a determination regarding your physical or mental fitness, you must fill out and sign the form for appeal on the Report of Physical Examination (Form 200) and you must attach to that form a statement specifying the class or classes in which you think you should be placed.

Minute of Action by Board of Appeal

The Board of Appeal classifies the registrant in Class I, Subdivision A, by the following vote: Ayes 3, Noes 0.

6/1/43

(Date)

M. C. HERMANN

Chairman

Member.

I hereby appeal to the President from classification by the Board of Appeal in Class....., Subdivision..... Certificates and recommendations required by section 379, S. S. R., are attached.

(Date)-----
(Signature of person appealing)

U. S. Exhibit No. 2—(Continued)

Minutes of Other Action

Date	
2/27/42	Classified I 3 Ayes 0 Noes F.M.
3/25/42	C.S.F. #1 Mailed M. Costello
April 23/42	Ordered for Screening & Serioligic Test 2 yrs. period [illegible]
June 1/42	Class I-A DSS 57 Mailed 2 Ayes No Noes M. Costello
July 9th 42	Class 3, Group #2. After Bulletin June 27th, 42. Mail D.S.S. 352 3 Ayes 0 Noes. Jno. J. Foley
Nov. 3rd 42	Ordered for Screening & Serioligic. 3 Ayes, 0 Noes. Jno. J. Foley.
Nov. 10 1942	Classed I-A after Screening & Serioligic 4 Ayes, 0 Noes. T. R. O'Day.
Nov. 10/42	Classified 1, A, O, after Screening and Serio- ligic 4 [illegible] Michael Costello Mail D.S.S. 57 M. Costello.
Nov. 20/42	Classed I, A, O, after Hearing. 3 Ayes. M. Costello. Mail D.S.S. 57.
June 16th 43	Class I-A by Appeal Board. Mail D.S.S. 57. 3 Ayes. Jno. J. Foley.
July 9th 43	Ordered for Induction. 3 Ayes. Jno. J. Foley.

Minute of Action by Board of Appeal

On January 22, 1943 the Board of Appeal reviewed this file and determined that registrant should not be classified in Class 1-C, Class IV-F, Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H.

January 22, 1943.

BRIAN E. GAGNOR

Secretary

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 3

Claibourne R. Tatum
P.O. Box #4411
San Francisco, California
April 6, 1942

[Stamped]: Local Board No. 89 91 San Fran-
cisco County 075 Apr 6 - 1942 089 380 18th
Avenue, San Francisco, Calif.

The Selective Service System
Local Board No. 89
San Francisco County
380 - 18th Avenue

Dear Sirs:

After having had your form letter, informing me that my case has been re-opened and that further information regarding me is required, brought to my attention, I immediately visited your offices on 18th Avenue. The gentleman in charge there requested that I write a letter noting the changes that have taken place in my family and vocational life since my filling out my "questionnaire".

In compliance with the above-mentioned request I submit the following data:—There has been no addition to my list of dependents. My wife and I are living together, and I am her only source of support. As I believe I stated in my "Questionnaire", my wife is not trained for any positions that require workers at this time; and in addition (due to a spinal condition and an incipient arthritic state) she is not in physical shape to perform manual labor of any nature.

As regards my employment. I am no longer working with the W.P.A. I have been doing odd jobs such as painting, etc., in the homes of friends and relatives.

I do not have any permanent address at the present, though when I am settled I will let you know immediately. In the mean time I can be reached through P.O. Box 4411. I do not expect to have to leave town for employment, though if such should prove to be the case I will post you as soon as it is possible.

If at any time there is any further information needed in regards to any phase of my status I stand willing to co-operate with you to the best of my ability.

Yours sincerely,

CLAIBOURNE R. TATUM

Order #1165

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 4

June 4, 1942

San Francisco, Calif.
954 Ashbury St.

[Stamped]: Local Board No. 89 91 San Fran-
cisco County 075 Jun 4 1942 089 380 18th
Avenue, San Francisco, Calif.

Local Board #89
San Francisco, County.
380 - 18th Ave.
San Francisco, California

Dear Sirs:

I request an opportunity to appeal my I-A re-
classification before your assembled group at any
time you designate for my appearance.

Sincerely,

CLAIBOURNE R. TATUM

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 5

Selective Service System
(Stamp of Local Board)

June 8, 1942

Calirbourne Randolph Tatum Order #1165
954 Ashbury Street

Mr. Tatum is active in religious way directing
the thought of people in the ways of the Command-
ments and the teachings of Christ. He is a con-
scientious objector, but also has dependency.

At the present time he is working for himself. He is a proof reader for which he receives \$50 a month, and for building a bomb shelter, and for blacking out the house he receives his rent. He has been doing this for 6 months. He is married but has no children.

He is an artist, and worked on the Fair Grounds of the Exposition doing construction work. In 1939 after that work was over he was out of work. He then went on W. P. A. until October of 1941 when he was on training for the ship yards. He did not wish to do this kind of work as it was helping construct a means of destruction.

His wife is totally dependent upon him. He belongs to the Church of the Heart. This is not an organized sect. They believe in the Bible and like to study.

Mr. Tatum added this:

“I am not adverse to helping to save a life, but I rather have my own life taken than to take the life of another or help some one else.”, do the same.”

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 6

Special Form for Conscientious Objector
Order No. 1165

[Stamped]: Local Board No. 89 91 San Francisco County 075 Jun 6 1942 089 380 18th Avenue, San Francisco, Calif.

Name	Claibourne	Randolph	Tatum
	(First)	(Middle)	(Last)

Address 954 - Ashbury Street (P.O. Box 4411)
 (Number and street or R. F. D. route)

San Francisco,	S.F.,	California
(City, town, or village)	(County)	(State)

This form must be returned on or before.....
 (Five days after date of mailing or issue)

Instructions

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on the special form, which when filed shall become a part of his Questionnaire.

The questions in Series II through V in this form are intended to obtain evidence of the genuineness of the claim made in Series I, and the answers given by the registrant shall be for the information only of the officials duly authorized under the regulations to examine them.

In the case of any registrant who claims to be a conscientious objector, the Local Board shall proceed in the ordinary course to classify him upon all other grounds of deferment, and shall consider and pass upon his claim as a conscientious objector only if, but for such claim, he would have been placed in Class I. The procedure for appeal from a decision of the Local Board on a claim for conscientious objection is provided for in the Selective Service Regulations.

Failure by the registrant to file this special form on or before the date indicated above may be regarded as a waiver by the registrant of his claim as

a conscientious objector: Provided, however, That the Local Board, in its discretion, and for good cause shown by the registrant, may grant a reasonable extension of time for filing this special form.

Series I.—Claim For Exemption

Instructions.—The registrant must sign his name to either Statement A or Statement B in this series but not to both of them. The registrant should strike out the statement in this series which he does not sign.

A. [Paragraph stricken out.]

B. I claim the exemption provided by the Selective Training and Service Act of 1940 for conscientious objectors, because I am conscientiously opposed by reason of my religious training and belief to participation in war in any form and to participation in any service which is under the direction of military authorities.

CLAIBOURNE RANDOLPH
TATUM

(Signature of registrant.)

Series II.—Religious Training and Beliefs

Instructions.—Every question in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this page.

1. Describe the nature of your belief which is the basis of your claim made in Series I above.

I believe in the all-powerful Living God, and His Laws, (particularly, "Thou Shalt not Kill"), as described to the human race by Jesus the Christ, (particularly in his "Sermon on the Mount") * * *

That these universal maxims supercede all man-made concepts of law * * * That these axiomatic truths will permit no Christian, who understands them, to ignore or compromise with them and remain loyal to his Creator and mankind. In short, I believe in the religion of the heart.

2. Explain how, when, and from whom or from what source you received the training and acquired the belief which is the basis of your claim made in Series I above.

The basis for the creed expressed above was developed in me by my mother. Because of her great and true Christian attitude toward life I was inspired, as far back as memory will serve, to regard the "Golden Rule" as the cardinal law of all life.

Since my early youth I have sought the answers to the problems which confront mankind and confuse humanity's efforts to live a life of peace and prosperity for all. I have found most of my answers in humanity as a whole, and the Bible.

D. S. S. Form 47

3. Give the name and present address of the individual upon whom you rely most for religious guidance.

I rely upon no individual for spiritual guidance. I draw my inspiration and philosophy from life as a whole, and the Bible, (specifically, its New Testament).

4. Under what circumstances, if any, do you believe in the use of force?

If the question means the use of physical violence.—None. Though if the question means the

application of the force of Christian thought coupled with Christian action then I believe in its use everywhere and at all times.

5. Describe the actions and behavior in your life which in your opinion most conspicuously demonstrate the consistency and depth of your religious convictions.

I have conscientiously endeavored to obey all civic, state, and national laws which are in conformity with the Constitution of the United States, and more important with Christian Principle.

I have been engaged for the past five and one-half years promoting the interests of Christianity for the benefit of all men * * * to my own professional and financial disadvantage, but to the great benefit of my conscience, in the capacity of an unordained minister of the Christian Philosophy.

6. Have you ever given public expression, written or oral, to the views herein expressed as the basis for your claim made in Series I above? If so, specify when and where.

I have lectured upon the public platform for over a period of at least three years, beginning approximately in the spring of 1937, devoting an average of from two to three evenings a week in this practice. Since I have delivered over 300 lectures in an area ranging from the city of Auburn in the north, to the city of Monterey in the south, and extensively in the Bay Area, and having no reliable record of dates and places, I am unable to supply this information.

Series III.—General Background

Instructions.—Every question in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this page.

1. Give the names and addresses of each school and college which you have attended, together with the dates of your attendance; and state in each instance the type of school (public, private, church, military, commercial, etc.).

Name of School	Type of School	Location of School	Dates Attended	
			All dates approximate From	To
Grattan (elementary)	Public	San Francisco	1918	1922
Laguna Honda (elementary)	"	"	1922	1925
Polytechnic High School	"	"	1925	1929
Calif. School of Fine Arts	Private	"	1929	1932
Guy Wiggins' Art School	"	Oly Lyme, Connecticut		1932

2. Give a chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college, in which you have at any time been engaged, whether for monetary compensation or not, giving the facts indicated below with regard to each position, or job held, or type of work in which engaged:

Type of Work	Name of Employer	Address of Employer	Period Worked	
			All dates approximate From	To
Artist Assistant	Mr. Van Sloun	Deceased	1936	1936
Laborer and helper	City of San Francisco	Palace of Fine Arts	1936	1939
Laborer	Mr. William Metcalf	2104 Castro Street	1939	1939
Artist	W.P.A. Art Project	465 Jackson Street	1939	1941
General construction, building maintenance, proof reading	(Myself)	945 Ashbury Street	1941	1942

3. Give all addresses and dates of residence where you have formerly lived:

Name of City Town, or Village	State or Foreign Country	Street Address or R. F. D. Route	Dates of Residence all dates approximate	
			From	To
San Francisco, California		1263 - 11th Avenue	19	1918
"	"	837 - Clayton Street	1918	1921
"	"	1317 - 37th Avenue	1921	1936
"	"	1573 - 48th "	1936	1938
"	"	846 - 36th Avenue	1938	1940
"	"	563 - 29th "	1940	1941
"	"	835 - Clayton Street	1941	1941

4. Give the name, address, and country of birth of your parents and indicate whether they are living or not.

Mrs. Zelda Douglas Jones Miller, United States of America. Deceased.

Mr. Randolph Tatum, United States of America. Deceased.

Series IV.—Participation in Organizations

Instructions.—Questions 1, 2, and 3 in this series must be fully answered. If more space is necessary, attach extra sheets of paper to this paper.

1. Have you ever been a member of any military organization or establishment? If so, state the name and address of same and give reasons why you became a member.

R.O.T.C., Polytechnic High School, San Francisco, California.

Reason: To make up deficiency in required scholastic credits.

2. Are you a member of a religious sect or organization? No. If your answer to question 2 is

(Yes or no)

yes, answer questions (a) through (e).

(a) State the name of the sect, and the name and location of its governing body or head if known to you:

(b) When, where, and how did you become a member of said sect or organization?.....

(c) State the name and location of the church, congregation, or meeting where you customarily attend:

(d) Give the name and present address of the pastor or leader of such church, congregation, or meeting:

(e) Describe carefully the creed or official statements of said religious sect or organization in relation to participation in war:

3. Describe your relationships with and activities in all organizations with which you are or have been affiliated, other than religious or military:

Was an ordinary member of the "Mantle Club".

Was associated with a group composed of friends and acquaintances, whose interests were in the ideas and ideals expounded in the Bible. I acted in the capacity of student, lecturer, and, for a limited time (about 3 mos.), a chairman.

Series V.—References

Give here the names and other information indicated concerning persons who could supply information as to the sincerity of your professed convictions against participation in war:

Name	Full Address	Occupation or Position	Relationship to You
Mrs. Alice W. Tatum	954 Ashbury Street S.F.	Housewife	Wife
Mrs. Marian MacIntyre	943 Leavenworth St. S.F.	Teacher	Friend
Mr. Frederick Rosher	P.O. Box 2123 S.F.	Artist	Friend
Mr. Arnold E. Miller	c/o The Evening Tele- gram, Rocky Mount, North Carolina	Journalist	Brother

Registrant's Affidavit

Instructions.—The claim made on this form will not be considered unless it is supported by the following affidavit. (If the registrant cannot read, the questions and his answers shall be read to him by the officer who administers the oath.)

State of California,
County of San Francisco—ss.

I, Claibourne Randolph Tatum, do solemnly swear (or affirm) that I am the registrant described in the foregoing questions and answers, that I know the contents of my said answers, and that each and every statement of fact in my answers to said questions is true, to the best of my knowledge and belief.

(Registrant sign here)

CLAIBOURNE RANDOLPH
TATUM

(Signature or mark of registrant)

Subscribed and sworn to (or affirmed) before me
this 5th day of June, 1942.

[Seal]

VINTON W. VAUGHAN

(Signature of officer administering oath)

Notary Public in and for the City and County of
San Francisco, State of California.

My Commission expires Nov. 20, 1943.

If the registrant has received assistance from an advisor, the advisor shall sign the following statement:

I have assisted the registrant herein named in the preparation of this form.

(Signature of advisor)

(Address of advisor)

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 7

Order No. 1165

Claibourne R. Tatum

P.O. Box #4411

San Francisco, California

November 13, 1942.

[Stamped]: Local Board No. 89 91 San Francisco County 075 Nov 16 1942 089 380 18th Avenue, San Francisco, California.

To the Members of
The Selective Service System,
Local Board #89
380 - 18th Avenue
San Francisco, California.

Dear Sirs:

Please regard this as a request by me to appear before you at any time you find convenient for the purpose of an interview regarding my recent reclassification from 3-A-2, to 1-A.

As per the instructions appearing on the "Notice of Classification", I understand that you will appoint the time for this interview, so I have made arrangements to appear before you at any time you specify.

Yours sincerely,

CLAIBOURNE R. TATUM

[In longhand]: 11-20-42 9:00 PM

[Endorsed]: Filed 11-14-43.

Page No. 77

CLASSIFICATION RECORD

1	2	3	4	5	6	7	8	9	10	11	12	13				14
Order Number	NAME OF REGISTRANT	Serial Number	Age	Race	Date of Volunteering for Induction	Date Record Transferred by or to Local Board	Date Registrant's Record Returned	Date Questionnaire Mailed	Return of Questionnaire Extended to	Date Questionnaire Returned	Date Claim for Deferment Filed by Another	CLASSIFICATION Par. 332				Date Notice to Appear for Physical Examination Mailed
						Para. 383 and 425	Para. 383, 384 and 425	Par. 319	Par. 320			I A B C D E				II III IV Examination Mailed
Par. 317	Par. 317															Par. 336
1165	Claibourne Randolph Tatum	1505	27	Wh.				5-12-41		5-17-41						6-17-43 11-3-42 5-11-42

I certify that the above record is a true copy of the Name, Order and Serial Numbers and Classification record of Claibourne Randolph Tatum, Order Number 1165, as presently recorded in Classification Record 100 and 100-A of Local Board No. 89, Selective Service, of San Francisco County, California.

OLIN WELLS
Clerk of Local Board No. 89, Selective Service

D. S. S. Form 100—Classification Record A.

Insert Page

Page No. 78

13A 29 30 31 32 33

ORDER No. (Same as Col. 1 and 21) CLASSIFICATION Enter current classification in first space at left and any subsequent reclassification in a separate space.

x 1165 1-A

I certify that the above record is a true copy of the Name, Order and Serial Numbers and classification record of Claibourne Randolph Tatum, Order Number 1165 as presently recorded in Classification Record 100 and 100-A, of Local Board No. 89, Selective Service, of San Francisco County, California.

Form DSS-100A—
Classification Record C.

OLIN WELLS
Clerk of Local Board No. 89, Selective Service

LOCAL BOARD FOR.....

RIGHT PAGE

Page 78

15	16	17	18		19	20	21	22	23	24	25		26	27	28
Date Registrant Appeared for Physical Examination	Date Classification by Local Board Mailed to Registrant	Date Requested to Appear Before Local Board	Time Fixed for Registrant to Appear Before Local Board		Enter "✓" if Appeared	Date of Appeal to Board of Appeal	Date of Forwarding Registrant's Record to Board of Appeal	Date Notice of Board of Appeal's Decision Mailed by Local Board	Date Notice of Continuance of Classification Mailed	Date of Order to Report for Induction	Date	Hour	Final Disposition at Induction Station	REMARKS Including Information on Appeals to President, Par. 380, also Pars. 344, 389, 391 All Entries in this Column to be in Red Ink	Order Number Par. 317 (Same as Column 1)
Par. 336		Par. 368	Date	Hour	Par. 369	Par. 373		Par. 377			Date	Hour	*Acc=Accepted *Rej=Rejected *Del=Delinquent		
6-23-43	11-11-42														
11-7-42	7-9-42	11-16-42	11-20-42	9:00 p.m.	✓	11-30-42	12-17-42	6-16-43	11-20-42						
x5-15-42	6-1-42 7-16-41	6-5-42	6-8-42	2:45 p.m.	✓					7-10-43	7-26-43	7:30 a.m.	Del.		1165

I certify that the above is a true copy of the Name, Order and Serial Numbers and classification record of Claibourne Randolph Tatum, Order Number 1165, as presently recorded in Classification Record 100 and 100-A, of Local Board No. 89, Selective Service, of San Francisco County, California.

OLIN WELLS
Clerk of Local Board No. 89

D. S. S. Form 100—Classification Record B.

[Endorsed]: Filed 11-15-43.



U. S. EXHIBIT No. 9

Order No. 1165

Claibourne R. Tatum
P.O. Box #4411
San Francisco, California
November 24, 1942

[Stamped]: Local Board No. 89 91 San Francisco County 075 Nov 27 1942 089 380 18th Avenue, San Francisco, California.

To the Members of
The Selective Service System, Local Board #89
380 - 18th Avenue
San Francisco, California

Dear Sirs:—

On the evening of November 20th, 1942, I appeared before two representatives of your board. Their schedule of interviews was such that they were not able to grant me sufficient time to state my case as clearly and fully as I am certain they and I would have liked. Therefore, knowing that you will want the following information, I submit it to you to be included in your records:—

At the time of my last request for reclassification I was unable to fully state why I feel that I am fully qualified as a Christian minister. I willingly acknowledge that I am not ordained by the authority of man, in accordance with the tenets of their sects, but I hold to the fact that I am ordained by the Will of God, who is within me.— Look to the book of Ephesians, verses four, five and six of chapter four, where it says, “There is

one body, and one Spirit, even as ye are called in one hope of your calling; one Lord, one faith, one baptism, one God and Father of all, who is above all, and through you all, and in you all.”

Thus we are led to an awareness of the fact that our Heavenly Father, and the Christ (which is the perfect knowledge of the universal Truth of Life) live within us—each and every one of us—; and the expression of our Divine nature is limited only by our degree of awareness and application of the power which is within us. Those persons who, by virtue of an earnest desire to live up to their capacities through the Laws of God, are impelled to help point the way to the early establishment of God’s Will and God’s Kingdom “on earth as it is in Heaven”, are moved to this action by the Divine Spark within them. I lay no claim to “superpiety”, rather I am impelled by our inner Force to go before mankind teaching the Christian Message.

Christ Jesus was not ordained by men—neither were his disciples, nor the first fathers of the Christian movement. And he taught that we can become all that he was and is, and more. None were graduated from theological colleges or seminaries, yet, who can say that they were not ministers in every sense of the word. The apostle Paul was ordained by the inner Light, not by men. In these references, I do not seek in any way to discredit the authority possessed by over 300 different religious sects and denominations to ordain men as ministers; but, I do maintain, and am borne out by

Christ Jesus' teachings, that the Power of God to ordain ministers is not limited to the confines of religious organizations any more than is the Presence of God confined to only a chosen few or distributed with biased inequality among men. Therefore, by Him who is within me, I am ordained and impelled to go before mankind and teach the fullness of the Truth as revealed by Christ Jesus; and as proof of this, I point to my long record of devotion to the task of ministering the Christ-word to the people.

I do not say that all men can be expected to be regarded as Christian ministers just through their saying such is so. One must have authority to honestly regard himself as a minister. Only by one having a concrete grasp of the fundamental Principles of Christianity, can he then speak and lead with the authority of knowledge * * * Such knowledge is the only authorization for ministerial action in existence. Hence, all men possess the inner capacity to be ministers of Christianity, and become such when they abandon their personal lives (insofar as this is possible), and become public channels for the dissemination of the Christian Doctrine—letting their works prove their faith.

I do not seek deferment to Class 4-D because I fear war. Fear is followed closely by hate, and hate is the opposite of Love,—God. I plead for this deferment because I know that I can be of greater help in preparing the public mind for the great rehabilitation program that is to follow this war. A conscientious-objectors camp does not per-

mit much latitude for any very worthwhile activity in this direction. Whereas, when one is left free to assist in the program to fit America to lead the people of the world to greater freedom, then, he is able to be of invaluable service to the people and the principles of our great nation—to the end that when this war is over, we, Americans, will be ready to take the nationally-proposed freedom-giving action in our stride of leadership.

As a Christian, I cannot condone war, nor participate in it in any way; but, as a Christian, I intend to do all that is within my power to better prepare myself and others to realize the full splendor and practical might of the coming campaign for world-wide acceptance of the fundamental Principles of Christ Jesus and the American government as being those best suited to release mankind from bondage and into an era of accomplishment beyond our most fantastic dreams.

Again, I cannot participate in war, but I can help to further the present American effort to make future wars impossible. * * * This is not a bargain, but is a statement of fact; and my heartfelt hope is that you can see the wisdom in my basis for my request. Therefore, for the good that I in my small way can do for humanity, please reconsider your present decision and reclassify me to 4-D where I rightfully shall be left free to be of Christian Service to America and mankind.

I am sincerely your,

CLAIBOURNE R. TATUM

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 10

Order No. 1165

Claibourne Randolph Tatum
954 Ashbury Street
San Francisco, California
June 29, 1943.

[Stamped]: Local Board No. 89 91 San Francisco County 075 Jun 30 1943 089 5108 Geary Blvd., San Francisco, California.

To the Members of
Local Board #89
5108 Geary Blvd.
San Francisco, Calif.

Dears Sirs:

My claim for just and proper re-classification, being legitimate and fully supported by fact, makes it impossible for me to consider the Appeal Board's 3-to-0 negative verdict, and my subsequent re-classification to class 1-A, as being final. The Appeal Board's refusal to honor my rightful claim as a Regular Minister of Religion to a 4-D classification left me with no alternative but to take the entire matter of my Selective Service status to higher authorities.

My case is now in the hands of your state director, Colonel Leitch;—with my statement of protest, accompanied by a complete copy of all recorded material in my personal Selective Service file, hav-

ing been mailed to him, and to General Hershey in Washington, D. C.

Very truly yours,

CLAIBOURNE RANDOLPH
TATUM

Claibourne Randolph Tatum

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 11

Prepare in Duplicate
(Cut)

July 10, 1943

(Date of mailing)

[Stamped]: Local Board No. 89 91 San Francisco County 075 Jul 10 1943 089 5108 Geary Blvd., San Francisco, California.

ORDER TO REPORT FOR INDUCTION

The President of the United States,

To Claibourne Randolph Tatum

(First name)

(Middle Name)

(Last name)

Order No. 1165

Greeting:

Having submitted yourself to a local board composed of your neighbors for the purpose of determining your availability for training and service in the armed forces of the United States, you are hereby notified that you have now been selected for training and service in the land or naval forces.

(Army, Navy, Marine Corps)

Commanding Officer, Army Induction Station #1,
You will, therefore, report to the [^] local board
named above at 428 Market St., San Francisco,
Calif. at 7:30 A.M., on the 26th day of July, 1943.

(Place of reporting)

(Hour of reporting)

This local board will furnish transportation to an induction station of the service for which you have been selected. You will there be examined, and, if accepted for training and service, you will then be inducted.

Persons reporting to the induction station in some instances may be rejected for physical or other reasons. It is well to keep this in mind in arranging your affairs, to prevent any undue hardship if you are rejected at the induction station. If you are employed, you should advise your employer of this notice and of the possibility that you may not be accepted at the induction station. Your employer can then be prepared to replace you if you are accepted, or to continue your employment if you are rejected.

Willful failure to report promptly to this local board at the hour and on the day named in this notice is a violation of the Selective Training and Service Act of 1940, as amended, and subjects the violator in fine and imprisonment. Bring with you sufficient clothing for 3 days.

You must keep this form and bring it with you when you report to the local board.

If you are so far removed from your own local board that reporting in compliance with this order will be a serious hardship and you desire to report to a local board in the area of which you are now

located, go immediately to that local board and make written request for transfer of your delivery for induction, taking this order with you.

JNO J. FOLEY

Member or clerk of the local
board.

D. S. S. Form 150

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 12

Notice of Delinquency

[Stamped]: Local Board No. 89 91 San Francisco County 075 Jul 26 1943 089 5108 Geary Blvd., San Francisco, 18, California.

July 26th, 1943

(Date)

To Claibourne Randolph Tatum
(First) (Middle) (Last)

Order No. 1165

Dear Sir:

According to information in possession of this Local Board, you have failed to perform the duty, or duties, imposed upon you under the selective service law as specified below.

() To present yourself for, and submit to, registration.

() To present yourself for, and submit to induction into the land or naval forces of the United

States as ordered on the 26th day of July at the Armed Forces Induction Station, 428 Market St., San Francisco, Calif.

(Specify other)

You are therefore directed to report, by mail, telegraph, or in person, at your own expense, to this Local Board, on or before 11 A.M., on the 31st day of July, 1943.

(Hour)

Failure to report on or before the day and hour specified is an offense punishable by fine or imprisonment, or both.

JNO. J. FOLEY

Member of Local Board

This form shall be made out in triplicate. The original shall be sent to the suspected delinquent, the duplicate shall be sent to the Governor, and the triplicate shall be filed. (Selective Service Regulations, Volume Three, Classification and Selection.)

D. S. S. Form 281

[Endorsed]: Fled 11-15-43.

U. S. EXHIBIT NO. 13

[Stamped]: Local Board No. 89 91 San Francisco County 075 Jul 31 1943 089 5108 Geary Blvd., San Francisco, 18, California.

Claibourne Randolph Tatum
954 Ashbury Street
San Francisco, California
July 30, 1943

Members of Selective Service

Local Board #89

5108 Geary Blvd.

San Francisco, California

Re: Requested reply to receipt of notice of delinquency.

Dear Sirs:

I acknowledge receipt of the "Notice of Delinquency" mailed to me dated July 26, 1943. In reply, please accept my remarks in the light of their being impersonal and very likely the last that I may have occasion to write to my board. Because of the latter factor, I will appreciate your bearing with me to the end of this letter, which is necessarily much longer than I would wish it owing to what I must state in what may be my last opportunity to express myself as fully as I am at the moment capable.

Though I was not surprised to receive the mentioned notice, frankness demands that I admit that I am very disappointed in that the Selective Service code, "Fairness and justice for all registrants", does not seem to have included me.

I freely admit that to the best of my knowledge no avenue of administrative procedure has been closed to me, save that of a Presidential Appeal, and my temporary inability to gain access to the Hearing Officer's report to the Appeal Board. However, in the course of that administrative procedure, I am convinced that prejudice, rather than fair and impartial judgment, has caused my character and in turn my case, to be seen in an improper and unjust light.

With each step of the way that I have taken in the course of my dealings with the Selective Service System, I have seriously endeavored to present convictions clearly. Either I have failed in this effort, or those to whom I have presented dissectional views of myself are, either by reason of environment and religious training, or their lax acceptance of public gossip, incapable of conceiving that I am truly a hater of war, and a lover of Christ Jesus' teachings.

Regarding this, I have repeatedly taken into consideration the fact that war psychology, and the propaganda that forms it, breeds little patience for the concepts of peacemakers. Yet, withal, it is only natural that I have such a faith in mankind as to expect a more intelligent and sympathetic attitude toward me than has been shown to date by men who not only have trained intellects to stabilize their emotions, but laws and regulations to guide them while thus empowered to treat even so unpopular a person as a conscientious objector fairly.

Had the Local Board, Board of Appeal, Hearing Officer, and both State and National S.S. Head-

quarters, really considered the facts in my case, or had inquired about those that may have seemed to be lacking, rather than to have placed such weight upon the prejudiced information injected brazenly into it, I would not have been ordered to report for induction at any time. I fully realize that it is as much the responsibility of Selective Service officials to muster men for the armed forces as it is my responsibility to remain true to the example and teachings of Christ Jesus in my ministry, and in the course of that action to refuse acceptance of military service . . . However, aside from this, I am virtually branded a liar, an insincere person, and an opportunist by persons who do not know me, nor who very likely have not read my statements throughout this case with anything but a preconceived contempt for anything that I would say. I am branded a liar in spite of ample evidence to the contrary that sustains the authenticity of my position as a regular minister, and my heartfelt abhorrence of war. All that I and others have offered in good faith it seems has been ignored . . . therefore, I do not consider myself delinquent. Rather, the Selective Service System has gradually caused me to exhaust all possible avenues of administrative action until I am at last cornered and faced with the risk of my recent action being judged a violation of civil law because I could not agree to my becoming a trained killer with the necessary forfeiture of all that I regard as Godly in my remaining faithful to the Principles that I hold to be True.

I assure you that it is most unpleasant to find oneself made the unwilling victim of unwarranted and arbitrary action on matters the outcome of which may well blight one's entire life. Such power as has been given to officials of the Selective Service System requires more discriminating use than that to which it was put while dealing with me. I cannot feel that the Selective Service System has fully abided by the spirit or the letter of its Act in regard to me.

As you doubtless know, I wrote to General Hershey and to Colonel Leitch requesting a stay of induction pending a complete and thorough investigation of my case; and that this request was accompanied by a copy of the Hearing Officer's report, together with my carefully set-forth protests against his several warped and untrue findings. I brought my case to the attention of those headquarters in the hope that reasonable and lawful steps would then be taken to correct an obvious injustice. Colonel Leitch, lastly representing both his and General Hershey's headquarters, would not relax his rigid stand, nor honor my requests in any way. I feel that I have been denied even the consideration let alone the classification a registrant in my position has a right to expect in a nation that has prided itself upon its traditional respect for the inalienable rights of its citizens. Entirely without malice, I only regret that it is possible for official indifference and skepticism to plunge one into such an intricate legal tangle as that in which I now find myself.

Perhaps, if I had stated what is to follow in the

first place long ago, letting the chips fall where they would, I should not have been misunderstood and everything might have worked out to the entire satisfaction of all concerned. But before I give you this straight from the shoulder, I must say that I do not mean to offend, nor do I indulge in attempts to sting those who have decided against me. Instead, I speak of many persons in the rank and file—a considerable portion of the general public.

It would seem that it is against the grain of some people these days for them to even pretend to understand either the views of sincere Christians or the motives that support their frowned-on attempts to explain these views. In fact, were the unfriendly attitudes taken by otherwise rational individuals toward things Christian accepted as justified, then it would seem that a true Christian (one who not only desires to live as a Christian, but does so to the best of his understanding and ability) is the most deluded, most inconsequential, and least needed creature of all that seemingly pester and irritate present-day society.

Today, it would seem that anyone who openly declares himself an uncompromising follower of Christ Jesus, automatically falls into the general category of mind that many reserved for those frail, serious, un-athletic lads of our schoolboy days who, because of their intense desire to really learn something, were regarded with scorn and suspicion as being queer, unnatural specimens — “apple-polishers”. Doubtless there were a few instances when such opinions were justified, but in the main, weren't

many of us prone to abuse the scholars in an effort to justify our own lack of application? Many people have carried this juvenile trait on into their adult life where they find it useful in justifying their lack of Christian application by condemning the efforts of those who earnestly try to live up to Christ Jesus' teachings, as being insincere.

It also seems strange to me that in this so-called enlightened age there are still some who refuse to believe that one is a minister of religion unless he wears an expression as dour as his garments are considered to be (garments that are somehow supposed to greatly affect his spiritual discernment); that he must, quite unlike the Master and His disciples, bear some official credential, or stamp of approval, like an inspected slaughter house, before he is considered worthy of some people's part time, superstitious awe (miscalled respect); and lastly, that one is not acceptable as a minister of religion unless he is sufficiently stultified by dogma so as to never be so unorthodox and rash as to interfere with the "time-honored", cut-throat business policies and sweet, "spiritual" stupor of his innocently un-Christian, browsing flock, by any appallingly disturbing ideas such as the practical application of those Christian Principles that many only want to hear about in such a manner and long enough to forget with a comfortable conscience thereafter.

I can speak for "Mankind United" as well as myself when I say, that as long as the majority of the people believe that force and violence is necessary for the protection of property, life, and free-

dom, then no one has the right to undermine their faith in such means and leave them prey to those factions that worship only the right of might. However, a minister (whether ordained or not), or for that matter any religious group that does not seek to instill within the hearts of mankind the seeds of knowledge entrusted to their care by the Prince of Peace and God's will toward all men, that minister or group is failing in its sacred trust. There is no other way to fulfill the religious and ministerial task of enlightening mankind to the point of their being able to make practical use of Christ Jesus' teachings than in clarifying the relationship of these teachings to every aspect of our human existence in the spirit of "Know the Truth and the Truth shall make you free".

What does mankind wish to be free of? . . . Certainly, if governmental action and trends are a fair guide, mankind wants to be free of poverty, fear, ignorance, and war. Only by applying the counterfact of the evils that cause mankind's distress can such as greed, hate, and inequality be controlled and finally eliminated from our personal and global lives. The only counterfactuals of the above evils are Love, Abundance, Equality, and Good. These are the fundamentals of Christianity, and must find expression and practical usability in our economic life, and our social life, as well as in our mental concepts if we are to realize the fulfillment of our prayer that, "Thy kingdom come, Thy will be done on earth as it is in heaven".

Christ Jesus did not preach a gospel of morality,

ethics, and the hereafter only. He preached the most powerful and practical sociocratic and socio-economic "here-and-now" gospel that has ever been given expression (and so little intelligent public attention). As long as mankind is obliged to pay homage to men whose lives are steeped in their lust for money and bestial power, mankind cannot obey the Golden Rule in any practical way . . . And it is my belief that the Christian churches have as their ultimate goal the practical application of the Golden Rule in all walks of life. These churches should welcome "Mankind United" as a sister champion of their kindred and sole interest. And be willing to accord it its place among the progressive religious bodies of society; and recognise those persons who are entrusted with the responsibility and privilege of teaching its followers the full gospel of Christ Jesus (in all of its spiritual and material ramifications), as being its officially recognised ministers.

"Mankind United" is not competing with other Christian groups, or denominations; nor am I, as a regular minister within the scope of the movement, competing with the regular or ordained ministers of those other Christian assemblies.

Neither "Mankind United" nor am I at all interested in advising men as to what and how they will think in regard to war. Not only would such advice be illegal, but of even greater importance, it is spiritually wrong. In the manner of lawyers, and after the example of Christ Jesus, mankind is informed of the Law; the benefits when it is obeyed; the penaltys when it is violated; — the

decision as to what course an individual should take thereafter is entirely his own responsibility and of his free choice. At no time do we seek to interfere with the war effort. No matter how wrong we may consider war to be, we never reach into a man's mind to direct its processes for him; for, as I say, this is even more un-spiritual than it is unlawful. But insofar as pointing the way to a real and lasting peace,—this is the sacred trust of all Christian ministers, and can never be deserted without such action being the treachery of a Judas type of thought.

All Christian ministers worthy of the name are bound in God to illustrate the fact that when man does not desire to apply the Golden Rule in a practical manner in all walks of life, he automatically chooses to relegate that Law to last place in his thoughts; . . . and this, instead of realizing that the Christian Law of "Love thy neighbor as thyself", not only is the most practical of precepts, but that it also embodies the full spirit and intention of the commandment "Thou Shalt Not Kill"; . . . and that when mankind knowingly ignores this teaching, and stupidly expects to bring order out of chaos by hating his neighbor, he will cause only greater chaos.

It is the very nature of the un-generous thoughts which have induced officials to regard me with a studied suspicion and indifference that has led mankind to division rather than unity—war instead of peace. I cannot permit such anti-Christian concepts to enter and dominate my thoughts or in any

way influence me to compromise with, or to abandon the principles that have grown to recognition within me since childhood, and that I have publicly striven for since my having become an adult.

The world is not merely engaged in another international fracas—it is now on the threshold of a new age. In their efforts to grow big enough to meet the new demands of this coming age of Love and Reason, men are suffering the pangs that always accompany resisted growth and the breaking off of bad habits of thought and deed.

“These are times which try men’s souls”. Indeed, each and every one of us is now being tried before the Eternal Judge in the Everlasting Court of the Universe during these days. Those who do not heed His call and hasten to stand firm upon Foundation Stones of Good as taught by Christ Jesus, will be swept away by the storm of their own making.

The blessings of the coming age of man’s majority cannot be formed of the world-stuff of the present state of disorder. . . . The entire globe must undergo a complete house cleaning. If man will not of his own volition peacefully cleanse his mind of such impurities as greed, hate, and fear, then these must be self-purged from the world’s consciousness just as a festering sore will break and discharge its accumulated poison.

Those of mankind who are in themselves, through their un-Christian, poisonous thoughts and acts, a toxic element in society, will, unless they change, precipitate their own destruction in the process of

this world's upheaval. It is to save such human beings from self-destruction that all true Christians are dedicated.

The coming age will require human hands to clear the debris of the present holocaust from the foundations of society, and to build a world fit to house the true expression of the Spirit of our Father, and the Brotherhood of Man. I am dedicated, as a regular minister of the Christian religion, to the purpose of saving as many of my fellow beings as possible, to fill the ranks of those Followers of Him who even now are being depended upon to take their place in the vast corps of men and women needed to protect and reclaim the best products of our centuries of progress, and to construct a framework upon which society may depend in security and peace.

As a Christian minister it is not my purpose to impose my ideas upon the people, but to bring Christ Jesus' teachings into sharp focus and contrast against the brooding background of mankind's tragic error—War—and all that it holds of grief, evil, destruction, and waste; and to aid in neutralizing those malevolent influences that are retarding, and setting-back many thousands of years the development of the souls of men.

I stand aghast at the sight of man's self-annihilation knowing what he is bringing on his head through his blind support of that most immoral of all abominations—War. (I am sure that you will agree that it is Earth's most convincing replica of

Hell.) It is beyond conception, the extent of the experiences of centuries of evil and torment men are heaping on themselves through their wilfull violation of Elemental Laws. And, I for one will not help them to increase their penalty by helping them to break those Laws; nor will I take a place by their agonized sides and assume a first-hand interest in working out my own Spiritual downfall and, more importantly, that of others by a wilfull disobedience of the Law, "Thou Shalt Not Kill"; nor can I suddenly become deaf to the voice of my conscience. My ears, that have for these many years been tuned to the entreaties of the Master, to follow and and apply His word, are now too familiar with this call not to heed it.

Christians in all ages have submitted to all manner of torture rather than to give up their convictions. Some were fed to lions, other were burned alive, and still others were left to live in states of almost unbearable ostracism. I am no better than they, therefore I do not expect to receive better treatment from unreasoning and bigoted men—but I do expect better treatment from men who are Americans after the true standard of Americanism.

It is because of the same ideas and ideals that Christ Jesus inspired in the hearts of those early Christians, that Christianity is still alive in the breasts of men, giving them the strength and courage, the intestinal and spiritual stamina to stand firm in these times against all odds. I have found this same faultless strength and guidance; and now once having found it, I refuse to have it taken from

me, nor the Principles upon which it is based—under any conditions.

I refuse to take action in violation of His Laws; nor will I help anyone else to do this. I refuse to let the Selective Service System's endorsement of unwarranted doubts as to my honesty and sincerity go unchallenged. Further, I refuse to relinquish my right to minister His Teachings and Laws to Mankind, and to follow these myself; nor do I intend to see my right to an official acknowledgement of my status as a regular minister of religion to go by default in my permitting the maligning opinions and erroneous conclusions that have thus far frustrated Justice to go uncontested.

No man is a free man when his very life is subject to the whims and prejudices of a minority. No nation can long remain a strong nation when the freedom of its people is periled in any way. . . . And, the shortest and most effective way to complete national mental and physical slavery is through either the unthinking or deliberate suppression of man's religious expressions or his right to act according to the dictates of his conscience. Autocratic materialism, that abysmally depraved concept of "morality" in government, has led the world into a program of coldly premeditated wholesale murder; and this concept must be shunned if the people's right to religious and civil freedom is to be defended, and if they are to be helped in their establishment of a just, peaceful, and secure co-existence.

It is in the interest of Truth, Freedom, and Jus-

tee, and the people who depend upon these paramount Principles, (as well as in my own behalf as a person, as a Christian, and as a minister of that religion), that I vigorously protest against the treatment accorded me by the Selective Service System, and against its considering me delinquent in my not reporting to be inducted into a service that is not God's.

Very truly yours,

CLAIBOURNE R. TATUM

Claibourne R. Tatum #1165

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT No. 14

Registrant's Affidavit—Family Status and Dependents

Order No. 1165

[Stamped]: Local Board No. 89 91 San Francisco County 075 Oct. 21 1942 089 380 18th Avenue, San Francisco, California.

Name: Claibourne Randolph Tatum

(First)

(Middle)

(Last)

954 Ashbury St.

(Number and street or R. F. D. route)

San Francisco S. F. California

(City or town)

(County)

(State)

Notice to Registrant

You are directed to fill out this form and mail it to the above local board on or before the date shown

below. Be sure that it is complete in every detail and that your signature is properly notarized.

This affidavit must be returned on or before October 28, 1942.

State of California,
County of San Francisco—ss.

Family Status and Dependents (Confidential
except as to names and addresses)

1. I am— () single; () widower; () divorced;
(Put an X in the correct box)

(X) married. We were married at San Francisco, on May 4, 1936.

(Place) (Date)

(X) I live with my wife. We have lived together continuously since May 4, 1936.

() I do not live with my wife. Her address is

Explanation

[Stamped]: Local Board No. 89 91 San Francisco County 075 Oct 27 1942 089 380 18th Avenue, San Francisco, California.

2. I have no children (my own or adopted) under 18 years of age. Of these children.....

(Number)

(Number)

live with me in my home.

Instructions.—Every registrant who lives in a family group and contributes to the support of that group shall fill in statement No. 3. "Family group" as used in this statement means two or more persons related by blood, marriage, or adoption, who live together.

3. The following is a list of all members of the family group in which I live (list yourself first) :

Name	Sex	Date of Birth	Relationship to me	Total amount earned by each person in past 12 months	Total amount of all other income received by each person in past 12 months	Total amount contributed by each person to the family group in past 12 months
Claibourne R. Tatum (Enter your own name on above line)	Male	3 15 13	Self	\$850.*	none	\$850.*
Alice W. Tatum	F.	7 23 09		none	none	none

* See note—Question #15.

Instructions.—Every registrant who contributes to the support of one or more persons who are not members of the family group listed above shall fill in statement No. 4.

4. The following persons who are not members of the family group listed above depend wholly or partly for support on what I earn by my work in my business, occupation, or employment; they had no other sources of income during the past 12 months, except as stated below :

Name	Sex	Age	Relationship to me	Date when I began contributing to this person's support	Amount contributed by me to this person during past 12 months	All other income received by this person during past 12 months
None						

None

5. Listed below are all the following living members of my family: Father, mother, brothers, and sisters.

Name of Relative	Age	Relationship to me	Present Address of Relative	Approximate average earnings of each person per week	How much does each person contribute to the support of any of your claimed dependents?
Mary Elizabeth Miller	18	Sister	111 W. Washington St.	\$ 22.	Nothing
Arnold Ernest Miller	21	Brother	111 W. Washington St. Greensboro, N.C. Apt. #205	25.	Nothing

Employment Status of Registrant's Wife

6. My wife is not working at a job for pay.

(Is or is not)

7. She is employed by..... as

(Employer) (Position or kind of work)

8. Her average earnings are \$.....per.....

(Week, month, or year)

Her Social Security No. is—None

9. She was last employed on December 22, 1936

(Date employment ended—if never employed, so state)

by Shrine Hospital Association as Attendant Nurse

(Name of wife's former employer) (Wife's former position or kind of work)

10. She left her employment for the following reasons: Voluntarily—Nervous Breakdown.

(Voluntarily—discharged—state reason)

Arthritic back and limbs—muscle spasms. Completely unable to work.

Employment Status of Registrant

11. The job I am now working at is General Household Maintenance—Proof-reading.

(Give full title of your job, such as construction draftsman, automatic turret lathe operator, dairy farm hand, stationary engineer, salesman, etc.)

12. I do the following kind of work—House-painting; excavation for Bomb-shelter; reading manuscript for context continuity and accuracy.

(Be specific in giving description of your duties—state exactly what you do.)

13. My employer is—Self-employed

(Name of company or proprietor—if working for yourself, write "self-employed")

954 Ashbury St., S. F.

(Address of place of employment—street, rural route, city and State)

14. The business in which I work is General Household Maintenance—Proof-reading.

(Give specific kind of farm, factory, mine, public utility, transportation, store, or other establishment or business in which you work)

15. I have worked at this job since November, 1941

(Date)

My average earnings are \$70.00 per month.


(Week, month, or year)

*We receive our lodging for services rendered amounting to the value of \$20.00 per month—this is included in stated earnings.

Registrant's Affidavit

Instructions.—1. Every registrant shall make the registrant's affidavit. 2. If the registrant cannot read, the questions and his answers thereto shall be read to him by the officer who administers the oath.

I, Claibourne Randolph Tatum, do solemnly swear (or affirm) that I am the registrant named and described in the foregoing statements in this affidavit; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief. The statements made by me in the foregoing are in my own handwriting. (are, are not)

Registrant sign here 

CLAIBOURNE R. TATUM

(Signature or mark of registrant)

*Subscribed and sworn to before me this 27th day of October, 1942.

[Seal]

N. A. SALA

(Signature of Officer)

Notary Public

(Designation of Officer)

*Selective Service oaths may be administered by any civil officer authorized to administer oaths generally, any member of the Selective Service System, any Postmaster, Assistant Postmaster, or Notary Public. No fee should be charged for this service.

D.S.S. Form No. 41.

[Endorsed]: Filed 11-15-43.

U. S. EXHIBIT NO. 15

San Francisco, Dec. 9th, 1942.

Board of Appeal No. 7,

Mills Bldg., San Francisco.

Dear Sirs: In re Claibourne R. Tatum, Order
No. 1165.

Registrant above named specifies the respects in which he believes Local Board No. 89 erred in classifying him I.A.O. as follows:

I.

The evidence shows that registrant, aged 29 years, is a public teacher of Christian Philosophy. He also earns \$70.- per month doing house painting, proof-reading, etc. He was married in 1936. His wife has been unable to work since her marriage. In the 12 months prior to Oct. 27, 1942, registrant contributed \$850.- to her support. Neither he nor she have any property, or any income except his earnings. They rent their home, paying \$20.- ~~\$42.-~~ per month therefor. Reference is particularly made to registrant's letter addressed to the Local Board, dated Nov. 24, 1942, giving his reasons for believing that he is entitled to a IV.D. classification, and to the affidavits filed in support of such letter. See also letter of Dec. 13, 1942 annexed hereto.

II.

Registrant believes that he should have been classified either III.A. or IV.D. or IV.E.

CLAIBOURNE R. TATUM

Subscribed and sworn to before me this 14th day
of Dec., 1942.

ORVILLE C. PRATT Jr.

Government Appeal Agent for
Local Board No. 89.

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT A

Report of Hearing Conducted by the Department
of Justice Pursuant to Section 5(g) of the
Selective Service Training and Service Act of
1940.

In Re: Claibourne R. Tatum (Conscientious
Objector)

Appeal From
Local Board No. 89

San Francisco, San Francisco County, California
Appeal Board No. 7

File No. 25-11657
25-5772

[Stamped]: Board of Appeal No. 7 May 16
1943. Rm. 635 Mills Building, San Francisco.

PRELIMINARY STATEMENT

Name and Present Address of Registrant:

Claibourne R. Tatum
954 Ashbury Street
San Francisco, California

Defendant's Exhibit A (Continued)

Questionnaires Filed:

D. S. S. Form 40—May 17, 1941

D. S. S. Form 47—June 5, 1942

Nature of Claim for Exemption:

From both combatant and noncombatant military service.

Action by Local Board:

Classified 1-A-O.

Action by Board of Appeal:

Board of Appeal reviewed this file and determined that registrant should not be classified in Class 1-C, Class IV-F, Class IV-D, Class IV-C, Class IV-B, Class IV-A (not considered in time of war), Class III-B, Class III-A, Class II-B, Class II-A, or Class I-H, January 22, 1943.

Date File Received by Department of Justice:

January 29, 1943.

Date File Received by Hearing Officer:

March 20, 1943.

Date of Giving Notice of Hearing:

March 20, 1943.

Hearing Held Pursuant to Notice:

At Room 449, Post Office Building, 7th and Mission Streets, San Francisco, California, on March 30, 1943.

Registrant personally appeared at the hearing in response to the notice mailed him. He was

Defendant's Exhibit A (Continued)
accompanied by his wife, and Mr. and Mrs. Frederick W. Rosher, who all made statements in his behalf.

STATEMENT OF FACTS

1. Registrant was born March 15, 1913 at San Francisco, California. His education consisted of eight years of elementary school, four years of high school, three years at the California School of Fine Arts, five months at the Art Students League, and four months at the Guy Wiggins Art Academy. Registrant is presently employed as a proof reader for the Timely Books Library.

2. The hearing developed the following facts:

Registrant stated that he is not a member of any church, but as a child attended the Episcopal Church with his mother, and from the time he was six to sixteen years of age attended various Methodist churches; that he is now a member of the organization known as "Mankind United", and from 1937 until approximately two years ago delivered sermons for this organization; that although he is not now delivering sermons for Mankind United, he is preparing sermons and doing research work for sermons, which will be used at some indefinite future date for publication or delivery. Registrant further stated that because of his past work for this organization, and the work that he is now doing, he considers himself to be a minister of religion, and desires to be classified as such. In this regard, registrant submitted a lengthy document at his hear-

Defendant's Exhibit A (Continued)

ing setting forth the basis for his claim as a minister of religion. The Hearing Officer has placed this paper in registrant's Selective Service file.

Concerning registrant's claim as a conscientious objector to both combatant and noncombatant military service, he stated that he is a conscientious objector to war because he is a minister of religion. He said that he is not willing to accept noncombatant service in so far as he would be helping others to do what he is not personally willing to do; that he would be aiding and abetting the war effort in that he would be replacing someone that could carry a gun.

The Hearing Officer questioned registrant regarding the manner and under whose direction he would deliver his sermons for Mankind United. The registrant replied that he would receive a call from a Bureau Manager, for instance it might be from a certain Mr. Leon in Oakland, California, the address of whom he did not know or does not presently know. This Bureau Manager would instruct registrant to come to Oakland to present a sermon. The Hearing Officer asked registrant what he received for delivering these sermons. The registrant replied that he received nothing beyond his expenses; if the trip were just to Oakland he would be refunded for his gasoline for his car; if the trip were to such a distance that he had to stay overnight he would be refunded for the cost of a hotel room also. Registrant went on to say that he, Frederick W. Rosher, and George G. Ashwell were the

Defendant's Exhibit A (Continued)

three men recognized up and down the Coast as the official ministers for Mankind United; that they received no salary for doing this work; that the average collection taken at a meeting would not exceed \$10.00, which fact could be verified by checking with the Department of Internal Revenue.

The Hearing Officer questioned registrant as to his present means of livelihood. He replied that he helps to defray his rental by doing general work in the boarding house in which he and his wife reside; that to defray their personal expenses he does proofreading for the Timely Books Library in San Francisco; that he has done this work since November, 1941. The Hearing Officer asked the registrant the address of this library, to which the registrant replied that he did not know. The registrant further stated that he is not on a regular salary, but receives about \$50.00 per month; that he depends entirely upon this wage for his livelihood; and that his wife does not work. Later in the hearing, registrant admitted that his wife also does proofreading for the Timely Books Library, but does so to help him, and her earnings go in with his.

Registrant was accompanied at the hearing by his wife, who stated she is also a member of Mankind United, and that she endorses registrant's claims as a minister 100%.

Registrant was also attended by Frederick W. Rosher. This witness stated that he is a member of Mankind United, and that he once delivered sermons for Mankind United, and is presently prepar-

Defendant's Exhibit A (Continued)

ing sermons to be delivered or published at some future date; that he too works for Timely Books Library; that his salary is approximately \$25.00 per month, and that this is the means of his entire subsistence. Concerning registrant's claims, this witness stated that he has known registrant for six years; that he believes in registrant's sincerity, high principles, and consistency in his stand as a minister; and that he has heard him preach many times.

Mrs. Frederick W. Rosher also attended the hearing. She stated that he is a member of Mankind United; works for Timely Books Library for which she receives approximately \$25.00 per month; that she is also a free lance writer, but at the present time has nothing in publication. She testified that she has known registrant since the fall of 1941; that she endorses his sincerity and stand entirely; that in the time she has known him she has found him to be very high principled and entirely sincere in his appeal as a minister of religion; that she personally believes that he should be classified as a minister.

3. A review of the investigative report of the Federal Bureau of Investigation in this case is as follows:

Registrant was personally interviewed as follows:

Question. How long have you been associated with the Mankind United movement?

Answer. 6½ years.

Question. Have you attended meetings since December 7, 1941?

Defendant's Exhibit A (Continued)

Answer. No.

Question. Have you ever conducted or addressed a Mankind United meeting? If so, describe.

Answer. Yes, several hundred occasions.

Question. What subjects did you discuss and from whom did you receive instructions as to what to say?

Answer. Mankind United—from textbook "Mankind United" and copy-righted literature.

Question. How much money have you invested in U. S. Savings bonds and stamps?

Answer. None, since I feel personally that I would be buying war equipment I am not willing to use.

Question. Have you been instructed by Mankind United officers that you are a Christian minister of religion?

Answer. No.

Question. Before you were so advised, did you believe that your Bureau managers, officers, divisional superintendent, or yourself, were ministers of religion?

Answer. I was not advised but did and do believe that some come under this heading.

Question. Have you at any time heard Bureau (Mankind United) officers say that Mankind United is not a religion but a business organization?

Answer. The textbook states that it is non-religious, but this needs qualifying.

Question. Have you ever been advised by any

Defendant's Exhibit A (Continued)

Mankind United member to become a conscientious objector?

Answer. No.

Question. Have you ever counseled anyone outside Mankind United to join the organization and become a conscientious objector?

Answer. No.

Question. Have your feelings regarding the draft or conscription been influenced by Mankind United?

Answer. No. Much data regarding war and its effects have been gained from Mankind United, but basic feeling is my own.

A Clerk of Local Board #89 stated that registrant had been in to the draft board on at least twelve different occasions; that he did not believe registrant was sincere in his conscientious objector claims, because he seemed to be "over-drawing the picture for himself". Informant based his opinion on the answer given by registrant to the question of what he would do if he saw a Japanese man assaulting a white woman or his wife on the street, to which registrant's reply was that he would take no combative action but would merely plead with the Japanese to stop his brutality. Informant believes registrant is a mild mannered egotist who is enamored with his own public speaking ability and the attraction he has for middle aged women.

A former neighbor stated that registrant held meetings at which 25 or 30 people attended; that he distributed handbills and pamphlets throughout

Defendant's Exhibit A (Continued)

the neighborhood which stated that war was coming and to prepare against it.

Another former neighbor stated that registrant was very artistic and spent a great deal of his spare time while a boy in drawing; that he did not play rough games with other boys in the neighborhood and seemed to be somewhat of a moody person and she had often befriended him and tried to help him. Informant advised that registrant attended Sunday School at the Calvary Methodist Church; that he was married about 1936 and that he worked on WPA for several years thereafter. She said that she has not seen him for two or three years and the last time she saw him he tried to interest her in Mankind United and sell her one of the Mankind United books; that she was surprised to learn he was a conscientious objector and said he had always been a sincere, honest and truthful boy and young man, and if he told her he was a conscientious objector opposed to participation in war she would believe it was a genuine religious conviction on his part.

The Dean of Boys and Vice-Principal of Polytechnic High School, advised that registrant attended from 1928 to 1930, and that his record showed he registered in ROTC for three semesters and that he failed in the last semester; that ROTC is purely voluntary in the San Francisco high school and that it would not be possible to make up in regular physical education courses.

Defendant's Exhibit A (Continued)

Another informant advised he has known registrant since 1938 and that registrant usually led the Mankind United group which met on Tuesday or Friday nights in the Monterey Hall located at Monterey Boulevard and Congo Streets. He stated that from 75 to 100 persons would meet for the lecture and that the speaker was introduced as the "Voice of Truth". He stated that registrant discussed the Sermon on the Mount and the New Testament teachings of Christ in his lectures. These meetings were held for about a year and a half, and the last was held during the summer of 1941. Informant advised that although he is presently a member of Mankind United and attends Mankind United meetings, he has not seen registrant since he stopped lecturing until last November when registrant asked him to sign an affidavit for him. Informant advised that registrant had never stated he would not be able to participate in war but that he did not understand how a man with religious principles of registrant could join the army. He said registrant had often lectured on the commandment "Thou Shalt Not Kill."

Another informant advised registrant led the discussions in the Monterey Hall for about six or eight months during the years 1940 and 1941; that registrant lectured on metaphysics which he described as something like Christian Science and which taught that man is made in the image of God and that if God can do all the things why can't man do the same things, provided he has sufficient

Defendant's Exhibit A (Continued)

mental understanding. Informant said registrant also lectured on the various phases of the Sermon on the Mount, the Golden Rule, and the commandment Thou Shalt Not Kill; that registrant had never stated in so many words that he could not participate in war but registrant's lectures were against war and against violence or combat of any kind and that it would be inconsistent with registrant's religious beliefs if he actively participated in the war; that registrant was not opposed to this war alone but to all wars.

This informant further advised he had never heard of the "Church of the Heart" and did not know whether registrant had any connection with such a group. He advised that Mankind United had changed its policy during the summer of 1941 and had discontinued sending out lecturers and had mailed out printed matter and mimeographed matter instead, and he has not heard registrant lecture since this change of policy. The reason for the policy was to get away from personality, as when personality entered into religious groups they almost invariably get away from the real teachings of Christ. He stated he had not seen registrant since he signed the affidavit for him in November and he had not seen him for six or seven months prior to that time. He stated that when registrant asked him to sign the affidavit he stated Mankind United was still in his heart, but did not say anything more with regard to the movement.

Defendant's Exhibit A (Continued)

An occupant of the same house in which registrant resides, also a conscientious objector, stated that he first met registrant at the California School of Fine Arts in 1931 or 1932; that he has known him intimately as a friend since that time. He stated registrant has repeatedly expressed himself against the use of force or violence of any kind, and that war is wrong. He said these statements were made by registrant at numerous times from 1936 to the present time. He said registrant tried to prevent the present war, which he knew was coming, through the medium of lectures and teaching under the sponsorship of Mankind United; that registrant lectured for Mankind United for several years, and stopped lecturing about a year and a half ago because his personality was too strong and that his action was in accordance with the policy of Mankind United in trying to get away from personalities; that registrant has been studying religious subjects for the last 1½ years in preparation for further teaching, but did not know when registrant would resume his teaching. He said registrant does odd jobs around the house and works on the bomb shelter in the rear in return for board and room for himself and his wife. Informant further advised that the Church of the Heart must be a group of persons who have a common or communal interest in certain things and think about the same things at the same time. He says he does not believe that this group holds any meetings at the present time.

Registrant's grandmother was interviewed and

Defendant's Exhibit A (Continued)

stated that registrant has always been opposed to killing; that about 1935 or 1936 he became interested in the Mankind United movement and has been very much interested in the movement since that time. She said he tried to interest her in the movement and she read one of the books he left with her. She thought the book very silly and impractical, and forbade registrant to mention Mankind United or its principles around her home; that a couple of years ago registrant stated he could not fight or even help indirectly in any war because this would be against his religious principles and would be directly opposed to the commandment "Thou Shalt Not Kill". She said she believes registrant is sincere and genuine in his religious conviction against participation in war and that his conscientious objection is not based on any fear which he might have that he would be killed if he were in the army. She stated she has a son who is a captain in the U. S. Army and who things registrant is a crackpot. She stated registrant has often stated that it was terrible that his uncle was in the army. She does not know what registrant is doing for a living, but believed it had some connection with the Mankind United movement.

An informant, Chiropractor, advised he first met registrant in 1937 or 1938 when he was intensely interested in Mankind United; that registrant lectured five or six nights per week on various subjects based on the teachings of Jesus Christ and especially the Sermon on the Mount; that registrant

Defendant's Exhibit A (Continued)

also lectured on the metaphysical use of thought instead of violence or force; that registrant had stated he would be unable to take up arms himself because of his religious convictions; that he believed registrant was sincere in his lecturing. He advised he last heard registrant lecture about a year and a half ago and did not see him again until registrant came to his office and requested him to sign an affidavit in regard to his lecturing. Registrant stated he desired the affidavit in connection with his application for a chaplain's position and that he thought he could do the most good at this type of work. Informant said he has not seen registrant since he signed the affidavit; that he himself had given up his interest in Mankind United about a year and a half ago.

Registrant's step-father was interviewed and advised that registrant was always violently opposed to war as a boy and that when the topic of war was discussed he would become very excited and enter into heated discussions against war. He said registrant as a boy and young man was very quiet and a little odd. He further advised that he has not seen registrant to talk to since 1936 when registrant's mother died.

A former neighbor of registrant stated that registrant moved from that address, and stated that his superiors in Mankind United would not allow him to live with anyone not affiliated with Mankind United.

Defendant's Exhibit A (Continued)

Another informant stated registrant never stated in so many words he was conscientiously opposed to war but that his lectures told of the horrors and futility of war and of the attempts of the movement of Mankind United to prevent the war which they saw was coming. He said he believes registrant to be a sincere, genuine person.

A former landlady of registrant stated that while he lived in one of her houses from 1936 to 1938 he became very interested in the Mankind United movement and spent a great deal of time practicing speeches which he said he delivered in various cities on the peninsula south of San Francisco. She said he never discussed the war or made any statements which would lead her to believe he was a conscientious objector.

Registrant's half-sister, advised that registrant had always been violently opposed to war as far back as she could remember and that particularly since 1936 when he became affiliated with the Mankind United movement he has repeatedly brought up the subject of war and has stated that in the war which he expected to come he would not fight in the war or work to produce machines which could be used to kill others. She says Mankind United is a fanatical movement but that registrant is a firm believer in the movement. She further advised that he is an extreme type of person who would rather die than give up a religious ideal or conviction, and that she believes him to be sincere and truthful in his state-

Defendant's Exhibit A (Continued)

ments regarding his religious convictions against any type of participation in war.

Registrant's wife advised that they were married in 1936 and that she knew registrant approximately four years before they were married; that registrant has always been opposed to participation in war and that he believes in the Bible teachings of loving one's neighbor and "Thou Shalt not Kill". When questioned regarding registrant's training for work in the shipyards during the year 1940, she said that he did take some training for a few weeks but gave it up because he felt he could not aid in the war effort by helping to build ships which would carry supplies or munitions. She advised that the "Church of the Heart" is not a religious group of persons, but the words mean that each one of us "is a temple within himself". She said that her husband at the present time is not a leader of any group of persons, either religious or non-religious, and that it has been over a year and a half since he lectured for Mankind United; that registrant spends approximately half of his time in building maintenance work at their residence and that the other half of his time is spent in study and reading the Bible in order to develop his understanding so that he can be of greater assistance to others when the war is over. She further advised that he does not intend to teach or lecture until the war is over.

Two other informants were unable to recall any statements made by registrant in regard to conscientious objections to war.

Defendant's Exhibit A (Continued)

A younger half-brother of registrant at Greensboro, North Carolina, stated registrant was opposed to war and all types of violence even before 1936. He holds the view that it is wrong to kill under any circumstances. Informant does not agree with this view of the registrant, but believes there is no doubt as to the registrant's sincerity in his view; that registrant was opposed to war before he joined any organization having opposition to war as its purpose, but has been very active in a peace movement known as "Mankind United" in recent years. His opposition is to wars in general and not to this particular war. Informant is unable to state the basis of the registrant's views. He says their mother was very much opposed to war, but does not know that this is the basis of the registrant's views. Informant does not know whether the registrant is a member of any church, but says that they attended the Methodist church as children.

FINDINGS OF FACT

Notwithstanding the fact that informants listed in the investigative report of the Federal Bureau of Investigation state that the registrant is conscientious in his religious beliefs, and notwithstanding the fact that the registrant himself protests vehemently that his religious beliefs would prevent him from participating in combatant and noncombatant military service, the Hearing Officer concludes that the registrant cannot be believed, this for the following

Defendant's Exhibit A (Continued)

reasons: Although registrant has worked for the Timely Books Library since November, 1941, he states that he does not know the address of the library. Although registrant states his entire income does not exceed \$50.00 per month, for the subsistence of both him and his wife, they appeared at the hearing very well dressed.

It is apparent to the Hearing Officer that the registrant is not telling the truth regarding his present activities with reference to the fact that he is presently writing sermons which he contends he will use at some indefinite future time. He is not presently connected with any religious group, and is not presently giving sermons; and his whole demeanor belies his contentions that he is basing his claim to non-participation in the war effort on religious belief and training.

The registrant insists that he is a minister, and that his conscientious objector's claim is based upon the fact that he is a minister. Under no stretch of the imagination can the registrant be considered a minister of the Gospel. He is not and has not been connected with any recognized religious group or organization, and has lectured on the Bible as a free lance. His recent affiliation has been with "Mankind United", the leading members of which organization were recently indicted by the Government, one of them being George G. Ashwell, whom registrant listed as being one of the lecturers on a par with himself.

Defendant's Exhibit A (Continued)

Another Mankind United leader, recently indicted by a Los Angeles federal grand jury on charges of conspiring to violate the sedition statute, was Arthur L. Bell. This man appeared before this Hearing Officer as a conscientious objector, and his appeal as such was denied. The investigative report of the Federal Bureau of Investigation in this case disclosed the fact that Mr. Bell, under the alias of Mr. Browne, rented a room at a San Francisco hotel under the name of "The Timely Books Bureau". This is the organization for which registrant and his wife admitted they were working, but of which they would not divulge the address.

The scheme or plan "Mankind United" is not religious in substance or nature, and the Hearing Officer is of the opinion that registrant can make no claim to conscientious objection to participation in war because of his affiliation with this movement.

CONCLUSION

The Hearing Officer finds that registrant is not "by reason of religious training or belief" conscientiously opposed to either combatant or noncombatant military service, and therefore recommends that his appeal be denied, and further that he be reclassified to 1-A.

Dated: April 9, 1943.

HUGH K. McKEVITT

Hugh K. McKevitt

Hearing Officer.

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT B

To Whom It May Concern:

I, through my own personal experience, know that Mr. Claibourne Randolph Tatum, devoted a large portion of his time for a period of 4 years, starting with the year 1938, to public lecturing in which he instructed and admonished many hundreds of people to study and apply, to the best of their spiritual understanding, the fundamental principles of Christianity to all phases of human endeavor; and to accept the teachings of Christ Jesus as their guides to the practical realization of a righteously full and normal life.

I bear witness to the fact, that owing to Mr. Tatum's public teaching of the Christian Philosophy, as a practical medium for living a better life, he has helped me to better understand the teachings of Christ Jesus.

I also bear witness to the fact, that the entire cause of Christianity has been, and continues to be furthered in the lives and minds of men by virtue of Mr. Tatum's constant and vigorous public instruction based on Christ Jesus' message to humanity.

Mr. Tatum has always advocated strict obedience to the Constitution and the Bill of Rights of the United States of America, and all laws which are legally sanctioned by these greatest of national documents. Therefore, after carefully considering my first-hand knowledge of Mr. Tatum's public life as a teacher of Christianity, I willingly state, without any mental reservations whatsoever, that I regard

Mr. Tatum to be a minister of the Christ Idea, the gospel of the religion of the heart, which same is the full embodiment of the Ideas and Ideals of Christ Jesus' Golden Rule and the Sermon on the Mount.

I, H. Brand, do solemnly swear (or affirm) that I have read and subscribe to all of the foregoing testimony, that I have personally inserted the numerals appearing in the places hereon designated for them, that I waive all of my rights pertaining only to Mr. Tatum's use of this affidavit, and grant to him full authority, and to any and/or all persons that he may at any time select, to use this affidavit in whatever way he may desire in accordance with his own judgement, that I, of my own freewill, undersign this affidavit to indicate that I declare each and every statement contained therein to be true to the best of my knowledge and belief.

Testifier's signature

H. BRAND

Address of testifier

9 Decatur St., S. F.

Subscribed and sworn to (or affirmed) before me this 13th day of November, 1942.

[Seal] CHAS. L. WYRNO

Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires December 26, 1943.

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT C

To Whom It May Concern:

I, through my own personal experience, know that Mr. Claiborne Randolph Tatum, devoted a large portion of his time for a period of 4 years, starting with the year 1937, to public lecturing in which he instructed and admonished many hundreds of people to study and apply, to the best of their spiritual understanding, the fundamental principles of Christianity to all phases of human endeavor; and to accept the teachings of Christ Jesus as their guides to the practical realization of a righteously full and normal life.

I bear witness to the fact, that owing to Mr. Tatum's public teaching of the Christian Philosophy, as a practical medium for living a better life, he has helped me to better understand the teachings of Christ Jesus.

I also bear witness to the fact, that the entire cause of Christianity has been, and continues to be furthered in the lives and minds of men by virtue of Mr. Tatum's constant and vigorous public instruction based on Christ Jesus' message to humanity.

Mr. Tatum has always advocated strict obedience to the Constitution and the Bill of Rights of the United States of America, and all laws which are legally sanctioned by these greatest of national documents. Therefore, after carefully considering my first-hand knowledge of Mr. Tatum's public life as a teacher of Christianity, I willingly state, without

any mental reservations whatsoever, that I regard Mr. Tatum to be a minister of the Christ Idea, the gospel of the religion of the heart, which same is the full embodiment of the Ideas and Ideals of Christ Jesus' Golden Rule and the Sermon on the Mount.

I, Henry F. Papenhausen, do solemnly swear (or affirm) that I have read, and subscribe to all of the foregoing testimony, that I have personally inserted the numerals appearing in the places hereon designated for them, that I waive all of my rights pertaining only to Mr. Tatum's use of this affidavit, and grant to him full authority, and any and/or all persons that he may at any time select, to use this affidavit in whatever way he may desire in accordance with his own judgement, that I, of my own freewill, undersign this affidavit to indicate that I declare each and every statement contained therein to be true to the best of my knowledge and belief.

(Testifier's Signature):

HENRY F. PAPENHAUSEN

(Address of Testifier):

595 Victoria St.

San Francisco

Subscribed and sworn to (or affirmed) before me this 12th day of November, 1942.

[Seal]

JOHN H. COKELEY

Notary Public in and For The
County of San Francisco
State of California.

To Whom It May Concern:

I, through my own personal experience, know that Mr. Claibourne Randolph Tatum, devoted a large portion of his time for a period of 3 years, starting with the year 1938, to public lecturing in which he instructed and admonished many hundreds of people to study and apply, to the best of their spiritual understanding, the fundamental principles of Christianity to all phases of human endeavor; and to accept the teachings of Christ Jesus as their guides to the practical realization of a righteously full and normal life.

I bear witness to the fact, that owing to Mr. Tatum's public teaching of the Christian Philosophy, as a practical medium for living a better life, he has helped me to better understand that teachings of Christ Jesus.

I also bear witness to the fact, that the entire cause of Christianity has been, and continues to be furthered in the lives and minds of men by virtue of Mr. Tatum's constant and vigorous public instruction based on Christ Jesus' message to humanity.

Mr. Tatum has always advocated strict obedience to the Constitution and the Bill of Rights of the United States of America, and all laws which are legally sanctioned by these greatest of national documents. Therefore, after carefully considering my first-hand knowledge of Mr. Tatum's public life as a teacher of Christianity, I willingly state, without any mental reservations whatsoever, that I regard Mr. Tatum to be a minister of the Christ Idea, the gospel of the religion of the heart, which same is

the full embodiment of the Ideas and Ideals of Christ Jesus' Golden Rule and the Sermon on the Mount.

I, Alice L. Papenhausen, do solemnly swear (or affirm) that I have read and subscribe to all of the foregoing testimony, that I have personally inserted the numerals appearing in the places hereon designated for them, that I waive all of my rights pertaining only to Mr. Tatum's use of this affidavit, and grant to him full authority, and any and/or all persons that he may at any time select, to use this affidavit in whatever way he may desire in accordance with his own judgement, that I, of my own free-will, undersign this affidavit to indicate that I declare each and every statement contained herein to be true to the best of my knowledge and belief.

(Testifier's signature):

ALICE L. PAPENHAUSEN

(Address of Testifier):

595 Victoria Street
San Francisco, Calif.

Subscribed and sworn to (or affirmed) before me this 14th day of November, 1942.

[Seal]

JOHN H. COKELEY

Notary Public in and for the
City & County of San
Francisco State of Cali-
fornia

My Commission Expires Sept. 3, 1945.

To Whom It May Concern :

I, through my own personal experience, know that Mr. Claiborne Randolph Tatum, devoted a large portion of his time for a period of 3 years, starting with the year 1938, to public lecturing in which he instructed and admonished many hundreds of people to study and apply, to the best of their spiritual understanding, the fundamental principles of Christianity to all phases of human endeavor; and to accept the teachings of Christ Jesus as their guides to the practical realization of a righteously full and normal life.

I bear witness to the fact, that owing to Mr. Tatum's public teaching of the Christian Philosophy, as a practical medium for living a better life, he has helped me to better understand the teachings of Christ Jesus.

I also bear witness to the fact, that the entire cause of Christianity has been, and continues to be furthered in the lives and minds of men by virtue of Mr. Tatum's constant and vigorous public instruction based on Christ Jesus' message to humanity.

Mr. Tatum has always advocated strict obedience to the Constitution and the Bill of Rights of the United States of America, and all laws which are legally sanctioned by these greatest of national documents. Therefore, after carefully considering my first-hand knowledge of Mr. Tatum's public life as a teacher of Christianity, I willingly state, without any mental reservations whatsoever, that I re-

gard Mr. Tatum to be a minister of the Christ Idea, the gospel of the religion of the heart, which same is the full embodiment of the Ideas and Ideals of Christ Jesus' Golden Rule and the Sermon on the Mount.

I, Arie Radder, do solemnly swear (or affirm) that I have read, and subscribe to all of the foregoing testimony, that I have personally inserted the numerals appearing in the places hereon designated for them, that I waive all of my rights pertaining only to Mr. Tatum's use of this affidavit, and grant to him full authority, and any and/or all persons that he may at any time select, to use this affidavit in whatever way he may desire in accordance with his own judgement, that I, of my own free will, undersign this affidavit to indicate that I declare each and every statement contained therein to be true to the best of my knowledge and belief.

(Testifier's Signature):

ARIE RADDER

(Address of Testifier):

425 Congo Str.

San Francisco, Calif.

Subscribed and sworn to (or affirmed) before me this 14th day of November, 1942.

[Seal]

THOMAS VALERGA

Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires May 9, 1946.

To Whom It May Concern:

I, through my own personal experience, know that Mr. Claibourne Randolph Tatum, devoted a large portion of his time for a period of 5 years, starting with the year 1937, to public lecturing in which he instructed and admonished many hundreds of people to study and apply, to the best of their spiritual understanding, the fundamental principles of Christianity to all phases of human endeavor; and to accept the teachings of Christ Jesus as their guides to the practical realization of a righteously full and normal life.

I bear witness to the fact, that owing to Mr. Tatum's public teaching of the Christian Philosophy, as a practical medium for living a better life, he has helped me to better understand the teachings of Christ Jesus.

I also bear witness to the fact, that the entire cause of Christianity has been, and continues to be furthered in the lives and minds of men by virtue of Mr. Tatum's constant and vigorous public instruction based on Christ Jesus' message to humanity.

Mr. Tatum has always advocated strict obedience to the Constitution and the Bill of Rights of the United States of America, and all laws which are legally sanctioned by these greatest of national documents. Therefore, after carefully considering my first-hand knowledge of Mr. Tatum's public life as a teacher of Christianity, I willingly state, without any mental reservation whatsoever, that I regard Mr. Tatum to be a minister of the Christ Idea,

the gospel of the religion of the heart, which same is the full embodiment of the Ideas and Ideals of Christ Jesus' Golden Rule and the Sermon on the Mount.

I, Dr. Claude W. Emmons, do solemnly swear (or affirm) that I have read, and subscribe to all of the foregoing testimony, that I have personally inserted the numerals appearing in the places hereon designated for them, that I waive all of my rights pertaining only to Mr. Tatum's use of this affidavit, and grant to him full authority, and any and/or all persons that he may at any time select, to use this affidavit in whatever way he may desire in accordance with his own judgement, that I of my own freewill, undersign this affidavit to indicate that I declare each and every statement contained therein to be true to the best of my knowledge and belief.

(Testifier's Signature) :

DR. CLAUDE W. EMMONS

(Address of Testifier) :

820 Market St.

San Francisco

Subscribed and sworn to (or affirmed) before me this 12th day of Nov., 1942.

[Seal] HENRY B. LISTER

Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires Feb. 2, 1946.

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT D

Order #1165

Claibourne R. Tatum
954 Ashbury St.
(P.O. Box 4411)
San Francisco, California
March 25, 1943

To the Members of the Board of Appeal and all other persons authorized to determine a registrant's status under the Selective Service and Training Act of 1940.

Dear Sirs:

I will deliver this letter in person to my Hearing Officer, Mr. Hugh K. McKevitt, at the time of my scheduled hearing before him, to be included in my Selective Service file as additional evidence of the good faith in my claim and right to the deferment of a 4-D classification as provided in the Selective Service Regulations affecting a regular minister of religion.

Owing to my ignorance, which is publicly general, of the many and varied ramifications of the Selective Service and Training Act of 1940, I am left to assume that the occasion of my scheduled hearing before a Department of Justice Hearing Officer in regard to my claim as a conscientious objector may indicate that my claim for deferment on the ground of my being a regular minister of the Christian Religion is being regarded as a secondary issue, if regarded at all, by some of those vested with authority under the aforesaid Act to pass down decisions upon claims of a registrant under said Act.

I do, however, allow for the possibility of there being some policy, or routine of law which requires an investigation of conscientious objector claims prior to all others, but I have not been advised as to the truth of there being such a procedure; and must continue to believe that my claim as a regular minister is either being somewhat ignored or has been overlooked.

The seeming fact that my claim as a conscientious objector is taking precedence over my claim as a regular minister is exactly the opposite of what I intended at the time of my filing these claims, and is not what I desire now.

My claim as a conscientious objector primarily involves me personally; whereas, my claim as a regular minister involves not only me but my responsibility to many thousands of persons, and my fellow men in general, who depend upon me as a channel of Christian Principle expressed through the sermons which I am at this time drafting in the course of my studies of the major problems with which the human race is now faced. The former claim affects in a sense only me and my immediate family. The latter claim affects not only me and my family but the public as well, and in this light should, therefore, take priority over the former claim.

Stating it another way: I am not a minister because I am a conscientious objector; rather, I am a conscientious objector because I am a minister of Christ Jesus' Ideas and Ideals, which demand such a stand. It is to be expected in view of Christ

Jesus' teachings, that a Christian minister is at once, simultaneously, a minister and a conscientious objector to war. It is my opinion, which same is couched in Christian Principle, that any Christian minister who has not filed a conscientious objector's claim during the course of his affairs with the Selective Service System, either legitimately had no cause to seek such a deferment, or he is a hypocrite—a "whited sepulcher". In any instance should a Christian minister claim ignorance of Christian Principle as an excuse for his neglecting to take a conscientious objector's stand then he proves his lack of qualification to be considered a minister of Christian Principles of which, by his own admission, he knows little or nothing. Therefore, in my opinion, all Christian ministers, whether it is needful or not, should as a matter principle go on record as conscientious objectors to war; and it is in this spirit that I claim recognition as a conscientious objector to war in its being flagrantly anti-Christian and the most insidious condition standing opposed to mankind's full and free obedience of Christ Jesus' statement of the Laws of God.

A Christian Minister, as the name implies, is a servant of God. Christ Jesus served God through the people. His ministry was and is to serve God through the people, teaching them how they can live closer to God through their obeying His Laws. At no time did Christ Jesus and His disciples retire into a cloistered realm of their own to engage solely in their own personal developement and spiritual perfection in total disregard for the de-

velopment and spiritual perfection of the human race. To have done so would have been for them a renunciation of their privileged posts as servants of God. I should be perfectly clear, that a Christian minister, regardless of sect, denomination, or profession, needs must serve God through the people in order to serve God at all. In addition the teachings of Christ Jesus are not directed solely to those who understand them but to all mankind in order that man can be taught to understand God's way and precepts of Life.

I have centered upon the above points because internment in a conscientious objector's camp is, for a Christian minister, a serious obstacle virtually prohibiting his fulfillment of his obligation as a servant to God through mankind. Internment in a conscientious objector's camp deprives a Christian minister of his needful contact with the people through whom he serves God. And since the teachings of Christ Jesus are directed primarily to those who have not as yet seen the Light of Truth, the inmates of an objector's camp, necessarily being well versed in Christian Principle, are not those to whom the servants of God are primarily directed.—Such convinced persons need Christian ministry less than most. In addition, to give a Christian minister only the inmates of an objector's camp for his field of activity is in fact to impose, by laws contrary to the Constitution of the United States, the government's power to select at will where, how, when, and through whom a Christian minister will officiate in his capacity as a servant of God. As a matter of fact, for the government to impose a form

of incarceration upon any Christian because his religious training and belief do not fit his government's present plans is in itself a direct violation of Amendment I, of the Bill of Rights of the Constitution of the United States of America, wherein it is stated: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Certainly it is necessary for a Christian to be left free to choose when, where, how, and with whom he shall practice Christ Jesus' teachings;—and any governmentally-imposed condition which in any way restricts or alters the above also restricts and alters one's free exercise of his religious belief and his right to obey its dictates.

Webster defines exercise as follows:—"Act of exercising; a setting in action or practicing; use; habitual activity; occupation." The life of a Christian is "setting in action" the teachings of Christ Jesus. The life of a Christian is one of "Habitual activity" in accordance with the Laws of God. The life of a Christian is the "practice and use" of the Christian Philosophy. The life of a Christian is in his "occupation" in the "vineyard" of our Father. And how much more so is the above pertinent to a Christian minister!

The Christian ministry, or service to God through man, is my "habitual activity", my "occupation", and any law which prevents or prohibits "the free exercise thereof" is in violation of Christian and Constitutional Law as well as being socially unsound and immoral.

Upon one occasion I visited a prison camp of the San Quentin penitentiary, located on the Feather River in the Sierra Nevadas. I was struck with the freedom enjoyed by the prisoners. There were no guards in evidence, and no restrictions other than those of the camp limits and the general daily schedules. The men had their own moving picture house and other comforts. They moved about the grounds during work hours and leisure periods unattended and apparently content. At least those who shared some coffee with me seemed content and were very congenial. I could not help thinking of the many persons in world high finance and the munitions syndicates who are guilty of far more heinous crimes against society than these misguided but basically good fellows. Back to the point. I cannot imagine just how a conscientious objector's camp can differ very much from such a camp for felons of good behavior. Can it be that the acceptance of Christ Jesus' invitation to "Follow me" is a felony, or sufficient ground for the penalty of internment after the manner of treating felons? Is a Christian so dangerous?

In religious circles it is freely admitted that the primary cause of war and its related evils is due to man's refusal to accept Christ Jesus' teachings seriously and to apply them to the everyday walks of life. Religious men, and others, now agree that mankind must begin learning how to incorporate Christian Principle in their governmental, economic, and social life in order that the shameful inequalities and brutalities now extant may be de-

stroyed for all time—never to again blight the future generations of this civilization.

It is to be assumed that the American people are fighting the most heartbreaking war in all history in an effort to rid themselves of the evils that promote war. The people regard war as a monstrous evil and are fighting only to attain peace with all of its many blessings and necessary virtues. But what guarantee can they be given that peace will be in any way secure after it is gained? Only they themselves in their changed ways of living with each other can guarantee the lasting qualities of a peace which depends upon mankind's intelligent prosecution of life's varied phases in a world that has shrunk to almost provincial size in the last decade. I say, "intelligent prosecution of life's varied phases" advisedly, because only by following the pattern of the One Source of True Intelligence—God—can mankind be successful in eliminating the cause of all man-made suffering. Since mankind have proved their ignorance of True Intelligence as revealed by Christ Jesus, by permitting war to occur, it remains for those who are the servants of Divine Intelligence to serve God through man by helping to dispell man's ignorance of Principles which will assure lasting peace when they are applied with intelligence. This is the Christian ministry the whole world over. . . . And the world was never so sorely in need of it as now. This in my ministry . . . and it has never been more important and necessary to me and mankind at any time before.

My stand as a conscientious objector to war is only incidental to my religious beliefs and ministerial profession. I am conscientiously opposed to war because Christ Jesus taught that, "He who lives by the sword shall die by the sword." He endorsed the commandment "Thou Shalt Not Kill". But these are not the whole of His message to humanity. His ministry has even more to do with pointing the way to greater happiness and prosperity for mankind. His admonishments against violence were given only because, before man can see the Light of Truth to guide his footsteps toward a practical demonstration of real Brotherhood, he must first discard his false concepts and habits which prevent his even suspecting the existence of the Truth.

After man has first learned what he "Shall Not" do, it is even more important for him to learn what he "Shall Do". Just so is my share in the ministry of Christ Jesus' teachings of what men "shall do", of greater importance than my conscientious objection to war, which is but a symbol of one facet of what man "shall not do"—that he "Shalt Not Kill".

Therefore, I repeat, to continue with the investigation of my claim as a conscientious objector, without regard to the prior nature of my claim for deferment to class 4-D, as a regular minister, is a distinct error and miscarriage of authority on the part of those who, either out of ignorance of the facts in the case, or disinterest, have neglected to route my claims to the proper departments of the

Selective Service System, the Department of Justice, or other directly related government agencies established for the purpose of giving official recognition to registrants who are regular ministers.

If, by any chance, those who weigh such matters as the validity of one's claim to consideration as a regular minister, are in some doubt as to the validity of my status, I beg to point out that I am now engaged in preparing the material for a series of sermons to be released in the near future. This, may I say, parallels in comparison only the preparatory work of a minister who drafts a series of sermons for a radio program. Such a minister does not have any parish or followers prior to his program, nor does he know the number or names of all who will comprise his audience after his program is in the process of release. My position is similar in that I do not know the number or the names of all the persons I will reach with my present and future work. I can, however, point to many of those to whom I have ministered in the past; and I have filed affidavits signed by a few of the many hundreds of people who would testify in a like manner were such action necessary.

In closing let me say, that my claim for recognition as a conscientious objector has not been influenced in any way either by my part or present interest in the movement known as "Mankind United". Though, as it regards my claim for deferment as a regular minister, "Mankind United" has afforded me an opportunity to broaden my influence with the public, and constitutes a ready

vehicle for my efforts in behalf of mankind and God—both of whom I serve in the name and teachings of Christ Jesus.

It seems to me that my case should never have reached the hands of the Hearing Officer, Mr. McKevitt, since it is concerned primarily with my claim for a 4-D classification, which I understood was made quite clear by my appeal adviser Mr. Pratt.

Please do not construe this letter as a withdrawal of my claim as a conscientious objector—it most certainly is not. Rather, it is a protest against what I am left to believe is a possible disregard of my claim for a 4-D classification. I must persist in drawing attention to the fact that I am fully qualified for a 4-D classification; and that all consideration should by right be given to it first, else action may be taken in accordance with the Selective Service law which would violate my Constitutional right to worship God in the manner I deem right, and prevent the free exercise of my Constitutional privilege to do so.

Sincerely,

CLAIBOURNE RANDOLPH
TATUM

Claibourne Randolph Tatum

. . . . #1165

[Endorsed]: Filed 11-15-43.

DEFENDANT'S EXHIBIT E

Order No. 1165

Claibourne R. Tatum
954—Ashbury Street
San Francisco, California
December, 13, 1942

Mr. Orville C. Pratt, Jr.
Appeal Advisor
1818—California Street
San Francisco, California

Dear Mr. Pratt:

During the time of my appointed interview with you, I read that section of the Selective Service Act which describes the qualifications for a 4-D classification. In the section referred to, it states, that a regular minister of a religious organization is eligible for a 4-D rating—I believe that I am eligible for this.

Since 1936, I have been identified with the Pacific Coast Division of the International Registration Bureau, which is more generally known as "Mankind United". I digress for a moment to mention that many erroneous news accounts of this movement's various activities have appeared in the local press. These articles based on supposed, distorted, and partial truths and information have lead to many carelessly formed public opinions regarding the motives and aims of the organization. Actually, through my long association with the movement I have had first-hand experience which I know to have been subjected to public distortion. The integrity

and sincerity of the movement has frequently been proved to be above reproach, through court action of city, state, and nation. I mention this to forestall any justifiable prejudice caused by unthinkingly flippant journalism.

The stated purpose of the Pacific Coast Division is: "To end illiteracy, poverty, and war, and to bring the assurance of lasting peace and guaranteed security to the people of every nation." Whether or not this ambitious objective will be reached does not seem to be of prime importance here. However, the achievement of this goal is dependent upon the willingness of a sufficient number of people to put the fundamental factors of Christ Jesus' teachings into practical use. In this respect the movement does not differ from those religious organizations which depend upon Christian people to support those functions which are to lead them in the Way of Christ Jesus.

The organization "Mankind United" advocates only those methods, for accomplishing its objectives, that are founded in Christ-Principle. The organization bases its entire activity on the teachings of Christ Jesus, believing that only through the acceptance and use of the Truths He revealed, can we lay the foundation for the physical manifestation of the spiritual "Kingdom" that He said is not afar off, but at hand, to be established here "on earth as it is in Heaven"—which He said is within us. Christ Jesus' whole mission is for the purpose of helping mankind start a new life in brotherly equality and service to each other.

The practicability of this ideal, and the work to realize it, is quite likely not of importance here, so I will not discuss it. But the fact that "Mankind United" is concerned exclusively with the Christian philosophy, and strictly complies in word and deed with its cardinal principles, is I believe, noteworthy in considering it a religious organization. I say this notwithstanding that "Mankind United" does not concern itself with the differences of the various churches, but seeks to embrace the truth contained in each; and is on record as stating, that it is a non-racial, non-political, non-sectarian, and non-religious organization. It is my belief that the latter-mentioned qualification is emphasized because most people regard a religious organization as embracing only one sect that is separate from all others because of a special Scriptural interpretation. Such a concept of this movement would severely impair its influence among the people of varying creeds and faiths. In addition, were it to inaugurate a new set of sectarian rites, dogmas, and formalities it would at once defeat its very purpose—the binding together of all Christians, regardless of religious differences of opinion, into a common movement for the united Christian action in behalf of the belief they profess to love.

I beg you to bear with me while I seem to split hairs, for the topic under consideration seems to require a few definitions. Please permit me to cite the Latin root of the word religion . . . it being religio—(re) again, (lego) gather—some define the

root as meaning to re-bind. Hence, any group which re-unites the people in Godly activities, is gathering them together again—is religious. I cite this because it is the major, I should say, the sole purpose of “Mankind United”, as its name implies, to “again-gather” all Christians, irrespective of their church affiliations, into one body of men and women pledged in a solemn pact for mutual aid and co-operative enterprise based on Christ Jesus’ teachings. Since it is the common gathering place for all religions I believe it to be a religious organization in the essence of the term.-

Webster defines religion as follows: “The service and adoration of God or a god as expressed in forms of worship.” Adoration implies worship, worship implies homage, and homage implies service. Service requires an act; and the teachings of Christ Jesus quite definitely state that only a man’s works prove his faith in the God he adores—acts only, prove the desire to serve one’s God. Thus, the extent of one’s Christian service to his fellow-men is the one true measure of the degree of one’s adoration of God; and works are the only suitable forms of worship. Jesus constantly referred to a man’s works as being the only proof of his faith in God; that Christian works are the only acceptable forms of worship, for “faith without works is dead”.

Most people lose sight of the fact that Jesus coupled mental force with physical action—he did things of quite a physical nature that are to leave their impress upon all future ages. Much of the misunderstanding of “Mankind United” arises from

the fact that it takes Christ Jesus' example so seriously as to follow this example.

Christ Jesus regarded all forms of intolerance, injustice, and inequality as being un-Godly, and against the Principles upon which He based his every thought and act. Christ Jesus did not set aside any phases or endeavors of human existence as being immune to, or beyond the Christian responsibility of conforming to the Laws of God which He revealed. Therefore, "Mankind United" is not only justified in regarding all things that are in contravention with His teachings as being anti-Christian, but that man must be helped to become independent of these things, or conditions before he can put aside and be free of the negations which have for centuries prevented him from accepting the invitation to "Follow Me".

"Mankind United" is following the example and leadership, the Ideas and Ideals of Christ Jesus by calling all Christians to join one another and follow Him; to act as well as pray; to make prayer and action synonymous; to follow the Great Exemplar who prayed through action. To act in behalf of His Ideals and Ideas means to defend them from anti-Christ.

The point I wish to make is, since man's mental and physical life are so closely allied it naturally follows that those things, or factors which retard his progress physically, affect him to a like degree mentally. The apostle Paul proves this when he says, "The love of money is the root of all evil". Since it is not money, but the love of it which is the

root of all evil, then the root or cause must be the system by which it is made useful; and we know that the system of Paul's time has remained the same in basic principle to the present day. Then, it is the system which causes man to devote most of his life to its support and aggrandizement; to profess his love of this source of all evil through such "devotion" or worship. Then, "Mankind United", having a practical plan, is justified in taking human footsteps to remove this cause of all suffering.—Not to remove money from life, but the factors in its use which literally force men to love it.

"No man can serve two masters", consequently mankind must be freed of servitude to the "evil root" of an economic system, which perforce one must now serve or starve, before they shall be able to serve God as their one and only master. The foregoing is the crux of that which motivates "Mankind United" action; it has a plan which takes into consideration the fact that man cannot divorce his spiritual life from the physical one which is controlled by his economic status—his spiritual freedom to practically apply Christ-Principle hinges on his changing the economic system of greed, selfishness, and brutality to one of co-operative, Christian design and application. The subject is too vast to treat with any degree of fairness to the movement, here.

All works which have as their net results, the furtherance of Christianity are Christian works. All such acts are faith-worship of God; and when people are gathered together to perform these acts in unison they are gathered together in His name. If they

divide, and at some later date rejoin they are regathered; and this regathering constitutes a religious move. In this sense, "Mankind United" is a religious movement. . . . It functions as the common ground upon which all religious people, desiring to obey Universal Principle, may meet and be bound together to travel in the footsteps of Him who taught the one Truth, the one way to becoming worthy of being the children of the one God.

"Mankind United" is a non-profit organization operating solely in behalf of the public welfare.—Its cornerstone is the philosophy of Christ Jesus; its law, the "Golden Rule and the Sermon on the Mount"; its motives, methods, and goal are of the highest of Christian concepts; its personnel, those who love all that Christianity represents enough to act in support of it.

"Mankind United", requires no initiation fee, dues, or assessments. Hence, it has no membership in the legal sense,—one can only register for the receipt of its 30-Day Program. Therefore, I could not record my association with it on those Selective Service forms which I can at this moment recall, since they ask for information regarding membership rather than just association. Were I to have referred to myself as a member I would have given false testimony. The fact that my convictions regarding matters of world import were already clearly established prior to my ever hearing of "Mankind United", and that the movement has not altered those convictions, constrained me to disre-

gard any mention of my association with it—holding it to be aside from my personal stand at this time. However, in this instance it is well to mention that for many years I represented “Mankind United” as an official lecturer and teacher, or regular minister. Record to verify this should be readily available in the files of some branch of the Federal Bureau of Investigation, which I understand keeps dossiers on all persons prominently connected with all organizations regardless of kind. A little over a year ago I temporarily withdrew from the public platform of “Mankind United” in order to avert an inclination on the public’s part to place too much stress upon my personality. I still retain my status in the movement, but I now devote my study periods to reviews of war developments and subsequent events. I feel that such study is necessary for me to correlate world conditions and their effects on man’s mental and physical life, so that I shall be adequately prepared, with an intelligent background of research, to meet the mental and physical needs of people whose lives are being deeply affected by their experiences.

So you see, Mr. Pratt, that in a very special but real sense the Pacific Coast Division of the International Registration Bureau is a religious organization concerned with deeply religious but practical affairs; and that I can consider myself a regular minister of its Christian work to the public.

I realize that the foregoing information is a bit tardy but it did not seem necessary to go into these details until I read the law governing the 4-D classi-

fication. So, please annex this letter to the memorandum you have prepared to submit to the Board of Appeal.

Thanking you in advance for your courtesy and consideration,

I am sincerely yours,

CLAIBOURNE R. TATUM

[Endorsed]: Filed 11-15-43.

DEFENDANT'S EXHIBIT G
FOR IDENTIFICATION

(Copy)

National Headquarters
Selective Service System
21st Street and C Street, N.W.
Washington, D.C.

March 5, 1942

Mr. James Rowe, Jr.,
The Assistant to the Attorney General,
Department of Justice,
Washington, D.C.

Subject: Conscientious Objectors

Dear Mr. Rowe,

I have your letter of February 25, 1942, transmitting a copy of a letter dated February 24, 1942, from Lamar Hardy, hearing Officer for conscientious objector cases in the Southern and Eastern District of New York, to Mr. Collins.

I note that Mr. Hardy has experienced consider-

able difficulty in several conscientious objector appeal cases in determining whether the conscientious objection of the registrant is based upon "religious training and belief." I also note that you are circulating among all hearing officers copies of decisions in all presidential appeal cases involving conscientious objectors.

It is my feeling that each case must be considered individually and that no presidential appeal decision can be considered as a binding precedent. In each case I must be satisfied that the objection is based on "religious training and belief" which contemplates recognition of some source of all existence which, whatever the type of conception, is Divine because it is the Source of all things. Religious belief, however, is more Important than "training" because we are too prone to have the schoolmaster in mind and hours, days, weeks, years of study when we weigh the meaning of training. Even there, one gets it by the long processes—another by "cramming". Does he get it? That's the question. If so, it involved training of some kind. I have some doubt about absorption through "bolts from the blue" even though I do not toss aside entirely S. Paul's experience on the Road to Damascus. These are the exceptions and probably he had a lifetime of training crammed into that one hour. Somewhere I think the record will tell the story satisfactorily in the given case whether it is in the form of long-drawn-out processes of schoolmaster training or otherwise. Whichever it is the weight of the evi-

dence is strengthened or diminished in consideration of all the facts.

I hope that the decisions in presidential appeals from now on will more than fully reflect our views on these important problems.

Sincerely yours,

LEWIS B. HERSHEY, Director

This copy mimeographed by:
Northern California Service Board
for Conscientious Objectors
2151 Vine St., Berkeley, Calif.
Telephone: BE. 3745

DEFENDANT'S EXHIBIT H

Claibourne Randolph Tatum,
954 Ashbury Street,
San Francisco, California
June 26, 1943

Colonel K. H. Leitch,
Selective Service State Headquarters,
Plaza Building,
Sacramento, California

Dear Sir:

Being unfamiliar with the etiquette and formal courtesies due an officer of your rank, I am obliged simply to beg your personal attention throughout the following matter. Such consideration on your part is of utmost importance to me.

Though, for your convenience, I am enclosing a

Defendant's Exhibit H—(Continued)

copy of my Selective Service case history, I feel that it will conserve your time for me first to mention briefly the high lights of my dealings with my local board. I filled out a questionnaire during the first sign-up prior to the Pearl Harbor attack. At that time I was classified 3-A. Later my case was reopened and I was reclassified to 1-A. I appealed this decision to my local board and was reclassified 3-A-2. Later on I was placed in 1-A-O owing to my claim as a conscientious objector. I appealed this decision to the San Francisco Appeal Board on the basis of my claim for a 4-D classification as a regular minister of religion as well as a conscientious objector. Notwithstanding ample evidence to support both phases of my claim, the Appeal Board has denied it by a vote of three-to-nothing, thereby causing my reclassification to 1-A in spite of the evidence at hand which is against such a rating.

I must protest against what seems to be the waiving of irrefutable testimony, and the subsequent 1-A classification that I have been given. According to information accompanying the notice I received I cannot appeal to the President;—therefore, it is necessary to direct my protest, and state my case, to you . . . qualifying this protest as follows:

No court can presume to tell a man what the state of his conscience should be; unless, perhaps, his conscience is dormant. Mine is not! I am a conscientious objector to war and no court can disprove this fact. It can only determine what It thinks I think. And this, only according to my capacity to express

Defendant's Exhibit H—(Continued)

my convictions plus Its capacity to interpret that expression. To this end, I have corresponded at considerable length with Selective Service officials in an effort to clarify my stand and the convictions upon which it is based. That correspondence accompanies this letter. Since, however, that which I have written to date would seem to have been treated as inadequate, I must restate that the convictions which influence my conscience will not permit me to engage in war in any form, nor to facilitate the efforts of others in the taking of human life. As you can readily see I would be a liability in the armed forces.

Many in the administrative and judicial branches of this land refuse to recognize the Congressional revelations regarding the collusion of the money and munitions interests during World War I, and prefer to say in effect, "Don't bring that up, let's get on with the war."

Army engineers, building a bridge, would be judged incompetent and dangerous were they to refuse to recognize proven faults in the design and construction of that bridge, and were to say, "Don't bring that up. Forget it, and let's get on with the bridge." A fault in any premise leads to a fault in its conclusion. Therefore, from a standpoint of constructive principle, war is ethically and morally wrong, and is to all practical intents and purposes a monumental fraud. With its inclusion in the social scheme of things only social illness can issue.

Defendant's Exhibit H—(Continued)

It would be utterly impossible for me to subordinate my convictions regarding war, and to take any part in furthering any war effort. I would not only be subject to almost immediate court-martial, but in addition, from the army's standpoint, I would be a demoralizing influence among those men with whom I would come in contact since my conscience impels me to speak my mind in regard to war.

Since adolescence, my convictions regarding war have remained unchanged. I deplore murder, particularly the cold, premeditated, "legalized" killing called war. I can never support war in any form without turning traitor to God and myself, and this I will never do willingly. With its high code of discipline, the army should not want a man whose religious convictions would force him to insubordination; nor should it want a soldier without the courage of his convictions—a moral coward. Being a fighter, certainly you have no respect for, in fact must despise, cowards and traitors. I fully share those sentiments. It is because of this that I cannot turn traitor to, compromise with my understanding of Christian Principle, and must fight for my right to apply it. Certainly you will agree that no man is worthy if he will not pay the price to obtain what he believes in his heart to be right.

Whether this is philosophy or not, actually we know exceedingly little about the Forces which control our lives . . . why we are here, where we come from, and where we are going. Though we do know of the Divine Laws, knowledge of which has been

Defendant's Exhibit H—(Continued)

handed down to us, we have no conception of what our violation of them brings upon our heads. That life is a continuous thread we are certain. But to what extent we disrupt and retard its progress for ourselves and others when we disobey Divine Law, we have no conception. It is quite possible that with each murder we commit we retard our Life-progress countless thousands of years, and must travel up the whole tortuous trail all over again to reach the breaking-off place in one life. Also, what do we cause other beings to undergo after we kill them? After all, there must be a good reason why murder is outlawed by Divine Command—and war is murder regardless of how it is looked at. Were I to submit to entering the armed forces and obey the superior officers, I would be forced to disobey Christ Jesus, my only acknowledged Superior Officer. Such a Superior cannot be denied with impunity.

We only know that we are alive, and that the highest code by which to live justly, sanely, and constructively has been voiced by the greatest of all teachers, Christ Jesus. Of all mandates, laws, or codes none are as worthy of credence as His . . . and of my own free will I choose to comply with man-made law only insofar as it is compatible with His Law.

This is not a question of my loyalty to one country or another. I would be impelled to take the same course regardless of the dictates of any country, or any excuse that the officers of any nation could conjure up as a justification for war.

Defendant's Exhibit H—(Continued)

I am opposed to the Communism of Russia, the Naziism of Germany, and the Fascism of Italy, Spain, and Japan. I condone the philosophy and acts of none of these, and am not in sympathy with dictatorship or the attempt to establish dictatorship in any way, let alone by deceit and hypocrisy under the shield of democracy.

Insofar as my patriotism is concerned, I have always lived with a deep and abiding love for our country. The history of my family is woven deep into the fabric of the history of this continent since the early 1620's. I have the tradition of the important role of statesmanship that members of my family have played in the formation of our nation always to inspire the highest kind of patriotism within me. But this patriotism, like our nation, is unswervingly grounded on those Christian Principles which not only declare the Divine Equality of man and his inalienable God-given Rights, but which must be followed and minutely obeyed if this nation and humanity are to survive.

By virtue of my family heritage and Divine free-agency I do not owe allegiance to any government, under whatever name it may go, that is not honestly adhering to the Principles of Life taught by Christ Jesus, and the principles set forth in the Constitution of the United States and its Bill of Rights. My allegiance is to our Creator, His Laws, and His Divine Lieutenant; and only to man's government as far as it expresses in practice an adherence to those Laws.

Defendant's Exhibit H—(Continued)

Not manifesting any lack of true patriotism, I choose to follow the leadership of *principles* which give substance to the backbone of humanity, rather than to follow the leadership of *principals* who could break that backbone. Human leadership on our home front has permitted an awful muddle to develop. Private industry and public freedom are being destroyed through national mismanagement. Every day there is some new evidence of the criminal waste and inefficiency of human leaders. Strikes and riots make mock of national unity—giving aid and comfort to totalitarian propaganda machines. Is it any wonder that the people are now looking for leadership of stability? Human leadership has led the world to war. Is it any wonder that I choose to listen to the greatest Mind that has ever visited the world when He says that He is the Way, and can be followed only in Goodness? His teachings are tantamount to a command; and this command takes priority over all others by virtue of seniority and eternal significance. As a Christian, I will obey only His Command. . . . As a Christian minister, I will teach it everywhere I go.

I do not state the above in defiance of our nation's laws. No law that is set upon the Christian foundations of this nation need be defied in order for one to remain true to his Creator. However, the human mind is fallible, and being so, is prone to make mistakes. In my case a mistake has been made, and this letter constitutes my effort to pro-

Defendant's Exhibit H—(Continued)

vide you with enough information to enable you to correct it.

If it is true that this war is being fought to establish their right of man to live under the four or five freedoms, including the right to a Freedom of Conscience, then the vested authorities should prove their sincerity by honoring a man's conscience. If they cannot do this, then all the prevailing propaganda leading people to believe that such freedom is the national goal, should be withdrawn—and the truth told instead.

Gasoline is no substitute for water in fighting fire. Conversely, water is no substitute for gasoline in propelling a fire engine to the scene of a fire.

If a nation becomes so spiritually impoverished as to be devoid of usable knowledge of Christian Principle, for the harmonious and efficient conduct of its affairs, it will find war no substitute for Christian Principles.

The Truths Christ Jesus taught mankind are the instruments of Life, of Economic Security, of a Prosperous and Constructive Peace, and of Human Progress and Democracy. War is an instrument of death and destruction, and is antagonistic in every aspect to the Principles Christ Jesus came to show us how to apply in our daily living.

Our refusal to apply these Principles either as individuals or as nations does not make them less potent and True—it only makes us the greater fools! We cannot serve God and mammon. I cannot serve both God and war. War is activated

Defendant's Exhibit H—(Continued)

hate—the opposite of Christianity, which is activated Love. Were I to be forced into the armed forces I would either have to be a liability to those in charge, or learn to “love” war and to hate the teachings of Christ Jesus. (For when one knows His teachings, he must first learn to hate them before he can disobey them.) I do not relish the former, and will not do the latter. This being the case, I am forced by unalterable Principle to refuse induction into the armed forces of any nation. As you can plainly see, if my legitimate request for dispassionate consideration as a regular minister—conscientious objector is refused I would be inhumanly and unjustly forced to provoke my own arrest and prison sentence.

One military leader has been quoted as saying, “The trouble with you church people is that you are not willing to back up your theories with your life, or even with your property. When one of us military men believes in war he is willing to go to war and be shot at. This you church people are not willing to do. Therein lies your weakness. Whenever you are willing to pay the price of putting your principles into effect, then we military men will be obliged to retire. Our strength is due to your weakness.”

I for one believe it is high time we Christians begin to act seriously, in spite of danger, to back up our words with deeds.

Quoting another military leader, he says, “It is

Defendant's Exhibit H—(Continued)

the business of you church people (Christians) to make my business impossible.”

By the words of your own colleague in arms, it is the BUSINESS of all Christians to conscientiously oppose war. I have chosen to accept the well-meant and pithy challenges of those leaders. I do not by myself expect to be able to end the occasion for war. But, among others, I shall take my stand as at least one more person who has become an articulate Christian.

When enough Christians become articulate, you gentlemen of the military profession shall no longer have to practice the military “art”. . . . But that does not imply that your talents, and genius for organization and planning need go unused. It means instead that your talents shall become available for constructive use to end human ignorance and suffering and promote human progress and Life rather than death.

I am loyal to this nation (my country). I believe in its fundamental principles of government, and am willing to fight for them, albeit, though not with weapons of war—for they are at variance with those principles, and, in this age of progress and invention, need not be resorted to for the defense of Right.

I would be a traitor in my own and the eyes of all True Christians if I took up arms against my fellow men. The military machine is not a democratic institution, and democracy is neither protected nor exercised by warfare. The only reason

Defendant's Exhibit H—(Continued)

why the world is at war today is in its failure to live truly according to Democratic and Christian Principles. And it must be stressed, that Professions of Faith are no Substitute for Practice of Faith.

The principles of war are not the Principles of Peace. War can only be successfully prosecuted when those who comprise the fighting forces on each side have been persuaded to believe the opponent is truly an enemy to their own interests and welfare, and have thereby been brought to hate that enemy enough to deem it necessary to kill him. I cannot see people as being our enemy, but see instead certain ideologies and evil principles as being the common enemy of all mankind. This is a contest between God and evil. Christ-Principles of Life on one side and the war-principles of death and destruction on the other. I prefer to champion Christ Principle.

Now, the tank, airplane, and battleship designers, your engineers, know that all these and other weapons of war will function only when operating in harmony with the principles upon which they were each specifically designed. Why then is not the same sound, scientific basis of the Principles of Peace insisted upon when, in the human element, we seek to adjust our lives to a scheme of things that depend upon Universal Laws and not upon man-made law?

Hate can never produce international understanding . . . and the Peace we all want is wholly

Defendant's Exhibit H—(Continued)

dependent upon such an understanding. The Peace of mutual, international understanding is what we in our separate ways are supposed to be fighting for. It is, therefore, primarily a question of method; and at no time did Christ Jesus advise the use of violence to achieve an understanding between adversaries.

If Peace is what the world wants, then the Principles of Peace must be adhered to. If our leaders are not striving for Peace, security, and amicable international relations, then the much-publicized Four Freedoms, and all other idealism held out for public support, are just so much deception—and the people should be told the truth.

That I have labored diligently for the world-wide establishment of the Four Freedoms is evidenced by my long association with "Mankind United", which is public knowledge. If my association with "Mankind United" is being held against me, both the organization and I are being deeply wronged. The recent decision against twelve "Mankind United" co-workers was a decision that in no way condemned the Principles of the organization. It was purely a judgement of a jury that was, in so many words, instructed to weigh the acts of individuals and not the Principles which motivated them. The judge made it very clear that only people, and not the Principles of "Mankind United", were on trial; and that case against these people is loosely hung on misinterpreted words that were separated from context to form a case. The whole

Defendant's Exhibit H—(Continued)

matter is still being contested, and an appeal has been lodged with the United States Circuit Court of Appeals.

Since no one dares to attempt to disparage the ideas and ideals of "Mankind United", these should endorse my ministerial claim in the eyes of Selective Service officials. At no time has there been any question as to the high purpose and idealism of the organization; and I am proud to be able to say that I have acted in the capacity of a regular minister to the people in behalf of the Christ-Principles which it promulgates. The record of my service to God I have acted in the capacity of a regular minister to undeniable. In addition, I secured a few affidavits (copies included herewith), to further substantiate my claim that the public I have served shares this conviction.

As regards my being a conscientious objector, several unbiased members of my family, together with some of my friends have testified to F. B. I. agents that I am absolutely sincere in my convictions, and that I held them long before war was considered a possibility; in fact, long before I ever heard of "Mankind United."

That, in spite of such honest evidence, I have been denied a 4-D classification, or even a 4-E rating, can only mean that this evidence that has been given by everyone in good faith has been unjustly ignored. If I, and others like me, are to be crucified because we love the teachings of Christ Jesus enough to remain faithful to them at all costs,

Defendant's Exhibit H—(Continued)

then that crucifixion shall be caused by the small-mindedness and bigotry of either uninformed or misinformed people, in places of importance to the American people, who seem unable to discriminate between the true and the false testimony that comes before them.

I realize that in a world so dominated by personalities it seems incredible that there are still some who prefer to follow the leadership of Right-Principles instead of men. Even in "Mankind United" we do not follow men, for no man is indispensable or infallible. Realizing this, we follow only the Principles taught by Christ Jesus, depending only upon men to the extent of needing their co-operation for the orderly performance of our duties to our Father through the observance of His Laws. Christ Jesus' teachings are so simple to understand, that were anyone who is depended upon to aid us in taking the human footsteps on His way, to violate His Law such an error would be immediately obvious and we would cease to rely upon that person for aid;—but we would never cease to depend upon the Principles of Good which are our only source of guidance. Our founding fathers fully appreciated the value of this kind of leadership when they charted the course of this nation.

Though man should falter, Christ-Principle moves steadily on, shaping our common destiny. "Mankind United" is pre-eminently a *modus operandi* for Christ Principle, and all who follow the leadership of the cardinal Principles it advocates, are

Defendant's Exhibit H—(Continued)

working to fulfill our Creator's Plan for mankind which is governed by those Principals. No religious movement can provide the people with more than this. . . . And none can provide less and remain truly Christian.

I have gone to considerable length elsewhere, to explain what I mean when I say that my church is the Church of the Heart. Christ Jesus recognized no church other than that of a pure heart filled with Love of God expressed through the constantly-active Love of all living things. (Slaughter is not an expression of Love.) This inner church, the only one ordained by the life and acts of Christ Jesus, being good enough for Him, is certainly good enough for the rest of mankind to aspire to be worthy of. It being the only one He endorsed, it is the only church in which Christians can learn to follow and apply His teachings. The Church of the Heart is not a building, but is a quality of heart-felt thought. All of my life I have sought a greater understanding of this inner Church; and, through "Mankind United", I have endeavored to lead others to a greater understanding of their inner responsibility to themselves and mankind in that they must build within their own hearts such an understanding love of Christ Jesus' teachings that they too will make their hearts a fit home for the Goodness of the Spirit of our Creator. Such a fit home—a clear concept of God—is the only Church in which Christians may worship our Father intelligently; and one's heart must wholly become this

Defendant's Exhibit H—(Continued)

Church before one can become a wholehearted Christian.

I have unreservedly taught the fundamental Principles of Christ Jesus' Philosophy publicly for many years. Records will prove that this action has not been fitful, but that it has been orderly and constant. If "fight" is the word, I have never ceased to fight for the universal establishment of His teachings in deeds as well as words. My part in this fight has always been forthright, has long been in the capacity of a regular minister, therefore it is only proper that I should be regarded as such and be given a 4-D classification.

There may have been some confusion over my claiming exemption both on the basis of my being a conscientious objector and a Christian regular minister. In my opinion, measured by Christian Truth, a Christian minister must of necessity support the Christian Principles of Peace and Brotherhood by his conscientious objection to warfare.

No one respects a man who does not have the courage to support his own convictions. To me, courage is not the absence of fear, but the carrying on in spite of fear. I believe all normal soldiers fear conflict, and I fear war as much as does any normal person. However, I should fear prison, and the resultant adverse family and public opinion, far more than a hero's death on a battlefield. Yet, definitely without any longing for martyrdom, I shall try to manifest sufficient courage to stand firm by my beliefs through whatever experience my

Defendant's Exhibit H—(Continued)

sense of integrity and constancy of Christian purpose shall take me. A man who is not loyal to his own beliefs cannot be loyal to anyone.

Either by being court-martialed, or imprisoned for draft evasion, I would be denied an opportunity to continue my ministerial work in which I can help to further an understanding of the basic ideals of America, and help that understanding to flower into a practical demonstration and working plan based upon those Principles of Spiritual and social government that we all intend to see firmly blended in the lives of mankind after the war is over. To imprison me would not add a man to the armed forces, but would only stifle one more voice raised in the cause of Freedom.

I do not relish the idea of going to prison—I have pride, ambition, and a keen sense of the daily duties freedom permits me to perform. However, selfish reasons aside, I feel an even greater responsibility to my fellow men, and the good that I flatter myself I can do for them. Because of this latter reason, the thought of being penned up in prison is very unpleasant to say the least. Yet, I am quite willing to go to prison if, because of my desire to remain steadfast in my concept of Christian Principle, I am forced to such an end. In the totalitarian nations I would consider such treatment the natural course of events to expect from officials who hold no respect for things Christian. But, here in America, such an official attitude would be appalling and odious in the extreme, and entirely unexpected.

Defendant's Exhibit H—(Continued)

It is difficult to believe that such an attitude prevails in officialdom here. Any miscarriage of justice such as a prison sentence offered as a reward for maintaining one's religious convictions would have to be due to a mistake on the part of those lacking a thorough Christian education. It is to forestall such an all-too-possible error—such a colossal tragedy in my life—that I appeal to you to assert your official influence in my behalf.

I do not ask this as a favor of you.—To a man of your standing and position of trust any asking of favors would be most insulting. To me, with the natural pride and spirit of all true Americans and sincere Christians, fawning for special privilege, and special privilege itself, is held in contempt. I will not beg, but I plead with you as one member of our human family to another, before God, and with respect for your responsibilities, that you review my case with an open mind, taking time to seek out and weigh the respective merits of evidence that is uncolored by any but a healthy Christian prejudice. I do not deny my bias, but it is sincere, it is true, and it is vouched for by sincere and true American citizens who do not enjoy the possible reflection cast upon the truth of their testimony by the Appeal Board's recent decision.

The subject of a man's conscience—its innermost workings—is vast, having innumerable ramifications and their attendant thousands of nuances of thought and motive. All of this considered, I believe that I have been as brief as it is possible and still throw

Defendant's Exhibit H—(Continued)

some light upon my heartfelt feelings. I have endeavored to display the rough outline of my conscience, and now rest my case in your hands to be dealt with according to the frank dictates of your conscience.

Yours very truly,

(Clairbourne Randolph
Tatum
Order #1165.)

P. S.

To further facilitate your action, I am mailing a copy of this letter and the accompanying case history to General Lewis B. Hershey.

(Return Card Receipt No. 48912 for Registered Article attached to above typewritten article.)

[Endorsed]: Filed 11-16-43.



DEFENDANT'S EXHIBIT I

State of California
Director of Selective Service
Plaza Building, Sacramento
July 1, 1943

In replying refer
to subject below:

Claibourne Randolph Tatum
954 Ashbury Street
San Francisco, California

Subject: Claibourne Randolph Tatum, 9f-44

Dear Sir:

Receipt is acknowledge of your communication

and enclosure of June 26, 1943 in which you request that this headquarters appeal to the President on your behalf.

While your case was on appeal, your file was reviewed by this headquarters and it was our conclusion that a Presidential Appeal was not then warranted.

The statements made in your communication and enclosures have been carefully examined. It is the opinion of this headquarters that intervention by this headquarters in your case is not warranted at this time, and that the position formerly taken by us should not be changed.

Very truly yours,

K. H. LEITCH

K. H. Leitch

State Director of
Selective Service

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT J

State of California

Director of Selective Service

Plaza Building, Sacramento

July 21, 1943

In replying refer

Claibourne Randolph Tatum

to subject below:

954 Ashbury Street

San Francisco, California

Subject: Clairbourne Randolph Tatum, 9a-44

Dear Sir:

Your letter of July 16, 1943, has been received and its contents noted.

We have carefully reviewed the statements made in your communication but they fail to indicate that this office should change the position taken in our letter of July 1, 1943, addressed to you.

Very truly yours,

K. H. LEITCH

K. H. Leitch

State Director of
Selective Service

[Endorsed]: Filed 11-16-43.

DEFENDANT'S EXHIBIT K

Clairbourne R. Tatum
954—Ashbury Street
San Francisco, California
July 16, 1943

Colonel K. H. Leitch
Selective Service State Headquarters
Plaza Building
Sacramento, California

RE: Case of Clairbourne R. Tatum, #1165

Dear Sir:

After my having seen the report to the Appeal Board by Mr. McKevitt, Hearing Officer, I no longer wonder that your headquarters considered action by it in my behalf unwarranted at the time of your letter to me. The latter two sections of that report are as damaging to my case as they are substantially based upon untruths; and I can plainly see that my efforts to explain my reasons for my

views and claims were wide of the actual mark.—It was not an explanation of my views that was needed, but a complete refutation of untrue assumptions and opinions of the Hearing Officer whose statements have so unjustly influenced official opinion.

It is largely because of the Hearing Officer's report that I have been mistakenly classified 1-A, and subsequently ordered to appear for induction July 26, 1943.

My claims both for 4-D and 4-E, listed in my appeal to the Appeal Board, have been rejected on the basis of the material contained in the report of Hugh K. McKevitt, Hearing Officer. After much difficulty in gaining access to a copy of this report, I have at last seen all of it that I know exists, and find it capricious, incompetent, and unjust for the following reasons:

“Statement of Facts”

(a) No instance of evidence refuting my claim as a regular minister.

(b) No instance of evidence refuting my claim as a conscientious objector.

(c) Do not believe high-school Dean referred to was Dean at time of my attendance, and his testimony as regards the then existent scholastic requirements is in error. That this testimony proves nothing relevant.

(d) Reporting of stated manner in which my sermons may be released is not entirely accurate.

(e) Version of my statement in answer to ques-

tion regarding a Japanese attack incomplete and inaccurate.

(f) Testimony of Clerk of Local Board is self-admitted to have been a long time ago, and based upon his personal reaction only to but very casual meeting with me in the course of my visits to his office; and that he did not know me very well then.

(g) An obvious misconstrual of the "Church of the Heart" as being an unheard of sect, rather than a summarization of my mental attitude.

(h) Erroneous assumption that I changed an address at the dictates of "Mankind United" officials.

(i) Inaccurate reporting of my wife's testimony respecting my future professional intentions.

(j) Excepting the above errors and some other minor mistakes, the report is completely favorable to my claims, and should be accepted as true testimony given by honest people well aware of the gravity of this entire matter.

"Findings of Fact"

(a) Showing a complete disregard for investigative findings of F. B. I.

(b) Opinion as to my lack of truthfulness is based in part upon my general appearance and clothing which are irrelevant factors in proving my sincerity. (Hearing Officer errs badly here, since I can prove that most of my clothing purchased before war.)

(c) Hearing Officer errs again when he decides that I cannot be believed when I say that my wife

and I do live on \$50.00 per month. We do not pay rent, therefore this sum exceeds that which we had for similar purposes to meet our general living expenses when I worked for W. P. A. The Government then did not think it impossible to live on such earnings. (We can prove that we do live on \$50.00 per month, and that this sum is our sole personal and joint income.)

(d) Hearing Officer assumes personal responsibility for a mere opinion that denies I am a minister by declaring "Mankind United" not a religious movement. . . . Providing no proof to support his assertion

(e) Hearing Officer errs in denying that I am sincere in my claim as conscientious objector by his untrue assertion that my claim arises from my association with "Mankind United"; and coloring this false premise by further citing irrelevant cases of persons connected with the movement as further proof of my lying and insincerity.

(f) Since Hearing Officer did not express any doubt to me of my lack of knowing the address of the "Timely Book Library", he is without cause to infer that I will not reveal it.—Neither my wife nor I know the address.

(g) Hearing Officer errs in that I can prove that I have been writing sermons for future use. (This, I thought, was fully explained in my letter given to Hearing Officer.)

(h) Hearing Officer errs in saying that I base my claim as a conscientious objector only upon my claim as a regular minister.

(i) Hearing Officer errs badly withal in assuming that I and those testifying for me cannot be believed.

“Conclusion”

(a) Hearing Officer bases his conclusion, and recommendations upon loose and false assumptions, inaccuracies, and a complete disregard for testimony given at the request of duly appointed authorities, or under oath; upon my association with a movement that has never been proved illegal, or unAmerican by any court or investigation, however irrelevant such association may be to my claim as a conscientious objector; and because of this is unjust and I believe biased, and prejudiced judgment on his part.

Further, at the time of my interview with Hearing Officer, he asked no questions and received no answers that could lead him to the assumption he has filed on government record. Instead, he said, before three other witnesses, that my case should never have come into his hands; and that it would have to be sent to Washington. All of this may have been in some respects true, but he did not indicate in any way that he had so important a part in deciding the outcome of the matter; and by his “demeanor” belied his true authority in this case, leading my witnesses and me to believe that further substantiation of my statements and claims was useless before him since he would not be handling my case.—This, it is proved, was a gross, and perhaps a deliberate misrepresentation on his part giving all present the firm conviction that he

was in no way concerned with my case, nor that he disbelieved my testimony.

Consequently, in view of the existing facts, please regard this letter as a request that you take action to correct an obvious injustice by re-opening my case for a complete investigation by the Selective Service System; and, please suspend by induction pending the proceedings and outcome of the investigation.

I make the above request in full knowledge of my own honesty and the unwarranted, and untrue aspersions cast upon it, and the testimony of those who have spoken in my behalf; as well as the reflections cast upon the competency of the F. B. I. agents who conducted the investigation and made the report cited in Mr. McKeivitt's digest.

Very truly yours,

#1165, Local Board No. 89.

[Endorsed]: Filed 11-16-43.

[Endorsed]: No. 10616. United States Circuit Court of Appeals, for the Ninth Circuit. Claibourne Randolph Tatum, Appellant. vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

Filed February 25, 1944.

PAUL P. O'BRIEN

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

At a stated term, to wit: The October Term 1943, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the Court Room thereof, in the City and County of San Francisco, in the State of California, on Friday the eleventh day of February in the year of our Lord one thousand nine hundred and forty-four.

Present:

Honorable Curtis D. Wilbur, Senior Circuit Judge, Presiding, Honorable Francis A. Garrecht, Circuit Judge, Honorable Clifton Mathews, Circuit Judge.

No. 10616

CLAIBOURNE RANDOLPH TATUM,
Appellant,

vs.

UNITED STATES OF AMERICA,
Appellee.

ORDER GRANTING MOTION FOR BAIL
PENDING APPEAL

Upon consideration of the motion of appellant for admission to bail pending appeal, and of the oral argument of counsel for respective parties thereon, and good cause therefor appearing,

It Is Ordered that said motion for admission of appellant to bail pending appeal be, and hereby is granted, and that appellant be, and he hereby is granted bail in the amount of Five Thousand Dollars, the bond to be conditioned as required by law,

to be approved by the clerk of this Court and filed in the clerk's office of this Court.

In the District Court of the United States
Northern District of California

No. 10616

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CLAIBOURNE RANDOLPH TATUM,
Defendant.

BAIL BOND ON APPEAL

Bond Number 824-0020.

Know All Men by These Presents:

That we, Claibourne Randolph Tatum as Principal, and the Northwest Casualty Company, a Washington Corporation, a surety, are jointly and severally held firmly bound unto the United States of America in the sum of Five Thousand Dollars (\$5000.00), for the payment of which sum we and each of us bind ourselves, our heirs, executors, administrators and assigns.

The condition of the foregoing obligation is as follows:

Wheras, lately, to-wit, on the 15th day of November, 1943, at a term of the District Court of the United States, in and for the Northern District of California, Southern Division, in an action pending

in said Court in which the United States of America is Plaintiff, and Claibourne Randolph Tatur was Defendant, judgment and sentence was made, given, rendered and entered against the said Defendant in the above entitled action, whereas he was convicted as charged in the indictment;

Whereas, in said judgment and sentence, so made, given, rendered and entered against said Claibourne Randolph Tatum, it was ordered and adjudged that the defendant, having been found guilty of said offense, is hereby committed to the custody of the Attorney General for imprisonment in an institution of the Penitentiary Type, to be designated by the Attorney General or his Authorized representative for a period of Three (3) Years.

Whereas, the said Claibourne Randolph Tatum, has filed notice of appeal from the said conviction and from the said judgment and sentence, appealing to the United States Circuit Court of Appeals for the Ninth Circuit; and

Whereas, the said Claibourne Randolph Tatum, has been admitted to bail pending the decision upon said appeal, in the sum of Five Thousand Dollars (\$5000.00).

Now Therefore, the conditions of this obligation are such that if said Claibourne Randolph Tatum shall appear in person, or by his attorney, in the United States Circuit Court of Appeals for the Ninth Circuit on such day or days as may be appointed for the hearing of said cause in said Court and prosecute his appeal; and if the said Claibourne Randolph Tatum shall abide by and obey Court

orders by the said United States Circuit Court of Appeals for the Ninth Circuit, and if the said Claibourne Randolph Tatum shall surrender himself in execution of said judgment and sentence, if the said judgment and sentence be affirmed by the United States Circuit Court of Appeals for the Ninth Circuit; and if the said Claibourne Randolph Tatum will appear for trial in the District Court of the United States, in and for the Northern District of California, Southern Division, on such day or days as may be appointed for retrial by said District Court, and if the said judgment and sentence against him be reversed, then this obligation shall be null and void; otherwise to remain in full force and effect.

This Recognizance shall be deemed and construed to contain the "express agreement", summary judgment and execution thereon, mention in Rule 13 of the District Court.

CLAIBOURNE RANDOLPH
TATUM

Principal.

Federal Prison Camp,

Box P. M. B. 737 MC.

Address: Steilacoom, Washington

[Seal]

NORTHWEST CASUALTY
COMPANY,

a Washington Corporation.

BY A. W. APPEL

Its Attorney-in-Fact Surety.

Approved as to Form

FRANK J. HENNESSEY
United States Attorney

I hereby certify that I have examined the within bond and that in my opinion the form is correct and surety thereon is qualified.

THEODORE TAMBA

Attorney for Defendant and
Appellant.

The foregoing bond is approved this 1st day of March, 1944.

PAUL P. O'BRIEN

Clerk, U. S. Circuit Court of Appeals for the Ninth Circuit.

State of Washington
County of Pierce—ss.

On this 19th day of February, A. D. 1944, before me, John J. Hopkins, a Notary Public in and for the County and State aforesaid, duly commissioned and sworn, personally appeared Claibourne Randolph Tatum, to me personally known to be the individual described in and who executed the within instrument, and he acknowledged the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office at McNeil Island, County of Pierce, State of Washington, the day and year first above written.

[Seal] JOHN J. HOPKINS

Notary Public in and for the County of Pierce,
State of Washington.

My Commission Expires October 27, 1947.

State of California

County of Los Angeles—ss.

On this 14th day of February, A. D. 1944, before me, Marva Weede, a Notary Public in and for the County and State aforesaid, duly commissioned and sworn, personally appeared A. W. Appel, Attorney-in-Fact of the Northwest Casualty Company, a Washington corporation, to me personally known to be the individual and officer described in and who executed the within instrument, and he acknowledged the same, and being by me duly sworn, deposes and says that he is the said officer of the Company aforesaid, and the seal affixed to the within instrument is the corporate seal of said Company, and that the said corporate seal and his signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in the City of Los Angeles, County of Los Angeles, the day and year first above written.

[Seal] MARVA WEEDE

Notary Public in and for the County of Los Angeles, State of California.

My Commission Expires February 3, 1946.

[Endorsed]: Filed March 1, 1944. Paul P. O'Brien, Clerk.